

NOTICE OF FINAL RULEMAKING

TITLE 6. ECONOMIC SECURITY

CHAPTER 5. DEPARTMENT OF ECONOMIC SECURITY

SOCIAL SERVICES

PREAMBLE

1. Sections Affected:

Rulemaking Action:

Repeal
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New Article
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R6-5-7421	New Section
R6-5-7422	New Section
R6-5-7423	New Section
R6-5-7424	New Section
R6-5-7425	New Section
R6-5-7426	New Section
R6-5-7427	New Section
R6-5-7428	New Section
R6-5-7429	New Section
R6-5-7430	New Section
R6-5-7431	New Section
R6-5-7432	New Section
R6-5-7433	New Section
R6-5-7434	New Section
R6-5-7435	New Section
R6-5-7436	New Section
R6-5-7437	New Section
R6-5-7438	New Section
R6-5-7439	New Section
R6-5-7440	New Section
R6-5-7441	New Section
R6-5-7442	New Section
R6-5-7443	New Section
R6-5-7444	New Section
R6-5-7445	New Section
R6-5-7446	New Section
R6-5-7447	New Section
R6-5-7448	New Section
R6-5-7449	New Section
R6-5-7450	New Section
R6-5-7451	New Section
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R6-5-7457	New Section
R6-5-7458	New Section
R6-5-7459	New Section
R6-5-7460	New Section
R6-5-7461	New Section
R6-5-7462	New Section
R6-5-7463	New Section
R6-5-7464	New Section
R6-5-7465	New Section
R6-5-7466	New Section
R6-5-7467	New Section
R6-5-7468	New Section
R6-5-7469	New Section
R6-5-7470	Renumber
R6-5-7470	Amend
R6-5-7471	Renumber
R6-5-7471	Amend

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2. The specific authority for rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing statutes: A.R.S. §§ 41-1003, 41-1073, 41-1954(A)(3), 46-134(12), and 8-503.

Implementing statutes: A.R.S. §§ 8-503(A)(4)(a),(h), and (i), 8-504, 8-505, 8-506.01, 8-510, 8-511, 8-519(A),(D), 8-520, and 46-141.

3. The effective date of the rules:

July 1, 1997. DES seeks a delayed effective date to allow time for training on and distribution of the new rules.

4. A list of all previous notices appearing in the Register addressing the final rule:

Notice of Rulemaking Docket Opening (Article 74):

1 A.A.R. 1275, August 4, 1995

Notice of Rulemaking Docket Opening (Article 73):

2 A.A.R. 3493, August 2, 1996

Notice of Proposed Rulemaking (Articles 73 and 74):

2 A.A.R. 3722, August 30, 1996

Notice of Oral Proceedings (Articles 73 and 74):

2 A.A.R. 3725, August 30, 1996

5. The name and address of the agency personnel with whom persons may communicate regarding the rulemaking:

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P.O. Box 6123, Site Code 837A, Phoenix, AZ 85005

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6. An explanation of the rule, including the agency's reasons for initiating the rule:

The rules being adopted and repealed in this rulemaking package contain licensing standards and requirements for child welfare agencies operating facilities or programs that receive children for care and maintenance. These agencies provide residential care for children who are at risk of being or who have been abused, neglected, abandoned, or exploited (dependent children), as well as delinquent children and unmarried minor mothers and their children. Child placing agencies, another type of child welfare agency, are not governed by the rules in this package.

Most children are placed in a child welfare agency by a state agency or a licensed, private child placing agency. However, a private person, such as a parent or guardian, may also place a child in a child welfare agency. Many of the children living in a facility or program operated by a child welfare agency are from Arizona. However, out-of-state agencies and persons also place children in Arizona agencies.

Currently, child welfare agencies providing care for children are governed by 2 different sets of rules: Article 73, containing requirements for mobile or wilderness type programs; and Article 74, containing requirements for group homes. Group homes vary widely in size and program, including: smaller, home-like settings with house-parents, institutional, receiving shelters, crisis nurseries, and large highly structured programs serving predominately delinquent youth.

The current group home rules (Article 74) were adopted in June 1977, are very outdated, and are inconsistent with current policy and practice. In this rulemaking package, the Department is adopting a new, comprehensive set of rules establishing licensing standards for child welfare agencies. These new rules are more consistent with national standards for service excellence developed by the Child Welfare League of America and the Council on Accreditation of Services for Families and Children. The rules include updated safety and sanitation guidelines for the agencies, and updated qualifications for the administrative staff who are required to care for an increasingly difficult population of children. The new rules are consistent with current federal and state authority and with current program policy and practice. The new rules contain a comprehensive set of definitions, describe the administrative process for licensure and monitoring, set forth programmatic requirements for care of children, and establish requirements for the physical site and environment.

This rulemaking package also addresses the requirements for child welfare agencies operating mobile or wilderness programs. The mobile program rules in Article 73 are more current than the existing group home rules in Article 74, but contain many requirements that are duplicative of or more burdensome than the requirements in new Article 74. This rulemaking package repeals most of the overlapping requirements and creates a more uniform set of standards for all child welfare agencies providing care to children. The Department has retained and renumbered the mobile program rules addressing physical environment and safety (R6-5-7307 and R6-5-7308). These rules have been incorporated into new Article 74; they apply only to mobile programs, which have been renamed "outdoor experience programs." These programs have been exempted from the physical environment and safety rules applicable to agencies with a fixed site. The Department plans to convene a workgroup (which will include representatives

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from mobile program agencies) to revise the substantive standards for mobile programs that are being lifted out of current Article 73 and placed in new Article 74 (R6-5-7307 and R6-5-7308.)

7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state.

Not applicable.

8. The summary of the economic, small business, and consumer impact:

There will be minimal economic impact on businesses as the rules codify current policy and practice, and do not significantly change the substantive or procedural requirements for child welfare agencies operating residential group care facilities. The new rules describing the process for licensure and monitoring will likely benefit both agencies and the Department by eliminating confusion about the Department's process and clearly identifying duties and rights. The rules have been updated to include new language and to reflect practice standards that have occurred during the past 19 years. The new rules are likely to have intangible benefits due to improved specificity and clarity in requirements.

To the extent possible, the Department has tried to maintain flexibility by specifying the results that agency must achieve without specifying the methodology by which the agency must achieve the results. The rules do impose some new record-keeping requirements which may result in minor additional costs to some agencies. These additional requirements are the result of monitoring and enforcement problems the Department has previously experienced. The Department believes that there will not be any measurable impact to consumers as a result of these rule changes.

9. A description of the changes between the proposed rules, including supplemental notices, and the final rules (if applicable):

The following is a summary of the changes in the rules. For a detailed, rule by rule, description of each change, refer to the concise explanatory statement.

- Fixed minor problems with grammar, punctuation, and labels.
- Changed language from past or future tense to present tense.
- Deleted superfluous text to improve conciseness.
- Corrected erroneous statutory citations and cross-references to other sections of the rules.
- Revised the text of rules that directly quote statutory language to conform exactly to the text of the statute being quoted.
- Revised citations to other rules and statutes, and text of rules to improve internal conformity within the Article and for greater precision in citations.
- Made minor changes in language to conform to preferred rulemaking terminology.
- In the renumbered mobile program rules (R6-5-7470 and R6-5-7471), made minor changes in text to conform language to current rulemaking requirements, and to improve consistency with new Article 74, and to update citations to other administrative rules.
- Changed language to improve the rule's clarity, conciseness, simplicity, or precision, without changing the meaning or intent of the rule as described below.

R6-5-7401(4), (49), and (70) To eliminate confusion about the licensing time frame rules, and make the rules more "user-friendly," added the statutory definitions for "administrative completeness review time frame," "substantive review time frame," and "overall time frame" from A.R.S. § 41-1072.

R6-5-7401(9) "*Behavior management*" means the policies, procedures, and techniques a licensee uses to control conduct as prescribed in is required to have pursuant to R6-5-7456."

R6-5-7401(10) "*Child placing agency*" means a person or entity ~~that which~~ is licensed or authorized to receive children...."

R6-5-7401(16) "*De-escalation*" means a method of verbal communication or non-verbal signals and actions, or a combination of signals and actions thereof, that interrupt interrupts a child's behavior crisis, and calm calms the child and prevents the child from further loss of self-control."

R6-5-7401(32) Changed "*person*" to "*individual*."

R6-5-7401(41)(a)(iii) Changed "*confining*" to "*limiting*."

R6-5-7401(56)(c) Changed "~~that is raw or heat-treated~~" to "*and is raw or has been heated*."

R6-5-7401(62) Added text to the definition of "*seclusion*"; "...from the inside as prohibited by R6-5-7456(C)(4)."

R6-5-7403(B)(2) and (3) "...applicant requests a later extends the time for consultation."

R6-5-7404(D) Changed "*apply anew*" to "*reapply*."

R6-5-7409(A) "...a license ~~with which shall include~~ the information..."

R6-5-7409(E) "*change in ownership*" shall includes any of..."

R6-5-7412(G)(3) "*Have corrected any problems that prior circumstances which resulted in imposition of a provisional license.*"

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R6-5-7426(1) Added the term "liability" to clarify the type of insurance a licensee is required to maintain: "*The licensee shall carry liability insurance...*"

R6-5-7428(A)(8) Changed language for improved consistency with defined terms. *Consent forms signed by the placing agency or person at the time of placement, allowing the licensee facility to authorize necessary medical care, medications, routine tests, and immunizations.*

R6-5-7431(F) Changed "~~during employment~~" to "while working" because not all personnel are employed; some may be students or volunteers.

R6-5-7432(I)(1) Added language to improve parallel construction of subordinate clauses: "*Persons hired as employees Employees hired after the effective date...*"

R6-5-7433(A) Changed "~~personnel member~~" to "person" to improve flow of text.

R6-5-7437(B) Added language to clarify that a licensee must keep schedules in only 1 place, and that the licensee can choose the designated place: "*...shall retain the schedules in 1 designated location...*"

R6-5-7437(C)(1) - (4) To clarify the times when a licensee must maintain certain ratios (e.g. when children are at the facility or on a field trip with staff, but not when the children are visiting a parent or off at public school,) changed the phrase "*when children are present*" to "*when children are under the licensee's direct supervision*" in each subparagraph (a).

R6-5-7437(E)(2)(b) Changed text, "*The facility's ~~history and the patterns~~, frequency and severity of unusual incidents ~~incident reports, including, runaways...~~*"

R6-5-7441(C) Changed text to clarify the meaning of service plan: "*...following completion of the child's initial service plan described in subsection (B)(4).*"

R6-5-7441(D)(1)(b) Added "if applicable" because not every child is placed by a placing agency: "*A representative of the placing agency if applicable,*"

R6-5-7442(A)(1) Added the term "discharge" before "*plan*" to use the defined term "discharge plan."

R6-5-7444(E) Deleted "*adequate*" and "*well-fitting*" as vague and subjective, and "*sex*" as imprecise; added "gender" and "size" - "*...personal supply of adequate, clean, well-fitting and seasonable clothing...as appropriate to the child's age, gender sex, size...*"

R6-5-7445(5) "*The licensee shall maintain individual accounting records for the money of each child children's money.*"

R6-5-7448(A)(1) and (2) Revised text to eliminate the passive voice and clarify that the licensee is responsible for privacy and the facility's hours:

1. ~~The licensee~~ ~~A child shall allow~~ ~~be allowed~~ ~~a child~~ reasonable privacy during a visit unless...
2. A licensee facility shall have facility visiting hours...

R6-5-7450(A)(2) To clarify the meaning of "*community resources*," moved a phrase describing those resources from subsection (C) to subsection (A): "*Provide for use of community resources such as schools, museums, libraries, parks, recreational facilities, and places of worship.*"

R6-5-7450(D) GRRC staff suggested rewriting this clause to preclude a licensee from using inappropriate equipment. DES did not make the suggested change in order to retain the concept of an affirmative obligation. DES changed the term "*use*" to "*make available*." A licensee might make equipment available by taking children to a nearby park. "*The licensee shall make available ~~use~~ recreational equipment ~~that which is...~~*"

R6-5-7451(A)(1) Added the phrase "*if any*" because not all licensees have a religious orientation: "*Its religious orientation, if any.*"

R6-5-7452(A)(2) Reformatted text for clarification by moving subsection (A)(2)(d) to the beginning of the paragraph, after the term "*receive*" and adding "*if necessary*". All children must have the preventative services described in paragraph (a), but not all children will need the services listed in paragraph (b).

2. A licensee shall ensure that children in care receive:
 - a. ~~Preventive health services, including routine medical examinations and dental cleanings and examinations; and~~
 - b. ~~The the~~ following health services, if necessary:
 - ia. Evaluation and diagnosis;
 - iib. Treatment; and
 - iiig. Consultation;
 - d. ~~Preventive health services, including routine medical examinations and dental cleanings and examinations.~~

R6-5-7452(B)(2) Revised text to better describe a licensee's responsibility for getting a child's medical exam: "*A licensee shall also ~~arrange for ensure that a child in care to receive~~ receives an annual medical exam...*"

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R6-5-7452(B)(3)(b) Revised text to better describe the vision and hearing assessment: "~~Screening for vision~~ Vision and hearing screening;"

R6-5-7452(B)(3)(c) and (4) Changed the term "~~demanding~~" to "strenuous" and added text to refer to "physically strenuous activities."

c. For children who wish to participate in sports or physically strenuous demanding activities... * * *

4. A licensee shall ...the child's capacity, fitness, and clearance to participate in sports or physically strenuous activities.

R6-5-7455(A)(8) Added text to conform to changes in R6-5-7452(B) and R6-5-7456(C) about strenuous activities and to recognize that this Section will not apply to every child. "Authorization to participate in sports or physically strenuous activities, if applicable."

R6-5-7458(B) Changed and eliminated text to improve flow: "~~The licensee shall equip ensure that each building used by or for children with has exits as prescribed in this subsection.~~"

R6-5-7458(C)(6) Because the beginning text of the sentence, "locate and install," did not match the ending language "in good repair," restructured the sentence as follows: "Locate, and install, and maintain playground or recreational equipment at the facility in good repair and in accordance with the manufacturer's instructions and recommendations, and maintain the equipment in good repair and in accordance with the manufacturer's instructions and recommendations."

R6-5-7459(G) To clarify that portable heaters do not use combustible materials, rearranged text as follows: "A licensee shall not use portable heaters or free-standing stoves which use wood, sawdust, coal, or pellets, or portable heaters."

R6-5-7460(B)(5) Changed "~~prepared~~" to "handled" - "...when the food is being handled prepared or served..."

R6-5-7460(D)(3) Spelled out the meaning of "NSF" - "...A National Sanitation Foundation ("NSF") -listed dishwasher."

R6-5-7461(7) Changed "~~in proximity to~~" to "in or near" - "...space for hanging clothing in or near proximity to the child's bedroom."

R6-5-7463(B) and (C) To eliminate the vague term "live-in," and to improve flow and precision of the next subsection, reformat-
ted and revised text. If a licensee has uses live-in staff who reside at the facility, the licensee shall provide those a residential staff member with living and sleeping space that is separate from children's living areas.... ~~C-The licensee shall provide the staff children of these staff, who also reside at the facility, with...~~

R6-5-7464(C)(1) & R6-5-7465(D)(6)(a) Changed "~~in accordance with~~" to "according to";

-Made conforming changes in text for internal consistency, as described below.

R6-5-7401(21)(b) and (63)(b) Deleted "~~planning~~" to make term consistent with defined term "service planning team."

R6-5-7405(A)(1)(b) and R6-5-7425(D)(5)(c) Changed "~~agency administrator~~" and "~~executive director~~" to "chief executive officer" to conform to language used in R6-5-7432(A).

R6-5-7412(F) Changed the overall licensing time frame from 60 to 70 days to make it consistent with the time frames for administrative completeness and substantive review.

R6-5-7428(A)(14) and (15) Revised text to conform to changes in defined terms ("after-care" and "discharge plan"), to make the rule consistent with the requirements of R6-5-7442(B) governing the child's discharge summary, and to eliminate the need for duplicative or different information in a child's record.

14. Discharge summary required by R6-5-7442(B)

Date of discharge, reason for discharge and the name, telephone number, and address of the person or agency to whom the child was discharged; and

15. ~~Termination and after care summary.~~

R6-5-7434(C) and (D), R6-5-7436(3) and (5), R6-5-7444(D), and R6-5-7452(C)(3) Changed text to use the defined phrase "placing agency or person."

R6-5-7437(C)(5) Changed "~~every~~" to "each" to be consistent with other subparagraphs.

R6-5-7438(A)(1)(d) Changed "~~living group~~" to "living unit," which is a defined term.

R6-5-7438(C)(3); R6-5-7445(4)(b)(iv); R6-5-7447(4); R6-5-7456(F)

Changed text to conform to defined term, "service plan."

- The child's individual service ease plan explains...
- Explained in the child's service plan ease record...
- The licensee shall document the arrangements in the child's service plan ease record.
- the child's service ease plan shall describe the restriction.

R6-5-7441(E) and R6-5-7442(A)(3)(a) Changed "~~planning team~~" to the defined term "service team."

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• Made the following changes that resulted in a change or clarification in the meaning of a rule,
R6-5-7401(6) and (21) Amended the definitions of "after care" and "discharge plan" because the definitions were inconsistent in part and repetitive in part.

"After-care" means ~~a plan of~~ services provided to a child after the child is discharged from a licensee's care ~~and may also include services for the child's family.~~

"Discharge plan" means:

a. A written description of:

i. ~~A program of action to prepare a child for release from a facility which;~~ and

ii. ~~After-care; Describes the plans for treating and providing services to a child and the child's family following a child's release from a facility; and~~

b. ~~That is~~ developed by a licensee in cooperation with a child's service planning team.

R6-5-7401(43) Changed the defined term "mobile home" to "mobile dwelling" and revised text to make the definition text more consistent with the statutes governing manufactured housing.

"Mobile ~~dwelling home~~" means a structure, such as a trailer or recreational vehicle ~~as defined in A.R.S. § 41-2142(30), designed to be drawn by a motor vehicle.~~ Mobile dwelling home does not mean a mobile, manufactured, prefabricated, or modular home ~~house as defined in A.R.S. § 41-2142(14), (24), or (26) that:~~

a. ~~Meets United States Department of Housing and Urban Development building codes;~~

b. ~~Is fitted with parts for connection to utilities; and~~

c. ~~Is designed to be transported and assembled for permanent location at a site.~~

R6-5-7401(47) In response to a comment from Arizona Boys Ranch (ABR) amended the definition of "outdoor experience program" to eliminate internal inconsistency and confusing text, as follows: *"Outdoor experience program" means a child welfare agency that is located in and uses the outdoors or unfixed structures such as tents and cabins, rather than buildings a cabin or portable structure such as a tent or covered wagon and primarily uses the outdoors to provide recreational and educational experiences opportunities in group living, either in a fixed campsite or in a program with an unfixed site, such as a wagon train or wilderness hike.*

R6-5-7401 Deleted "punishment" as a defined term based on comment from ABR and GRRC staff that the definition was vague. The behavior management rule in which the term was used adequately identifies prohibited behavior. *"Punishment" means the threat or use of power and fear to change inappropriate behavior."*

R6-5-7401(60) Revised the definition of "restrictive behavior management" to eliminate references to specific prohibitions already identified in the behavior management rule. *"Restrictive behavior management" means a form of behavior control that is subject to limitations as prescribed in R6-5-7456(D) the use of a mechanical restraint, a physical restraint, or seclusion for a child."*

R6-5-7401(61) Amended the definition of "safeguard" by adding "to" before "ensure" to clarify that "reasonable measures" also modifies "ensure" and also adding "developmentally appropriate" to further define what measure will be reasonable in any particular situation. Changed "eliminate" to "minimize the risk of harm." *"Safeguard" means to use reasonable and developmentally appropriate measures to minimize eliminate the risk of harm to a child in care and to ensure that..."*

R6-5-7401(50), (69), and (74) GRRC staff commented that the rules used terms such as "staff" "personnel" and "employee" inconsistently. Although "personnel" was defined; the other terms were undefined. GRRC staff also commented that the phrase "personnel member" was awkward and disruptive to the flow of text. In response, DES substituted the term "staff" for "personnel" which is broadly defined to include all persons who work, train, or volunteer at a facility. DES also created new terms to describe paid employees and unpaid persons such as volunteers, trainees, and interns, as described below. Throughout the headings and rules, DES substituted the new, appropriate, defined terminology to replace "personnel" and the other terms that were used inconsistently. Some of the substituted references are specifically described below; however, each specific change of reference is not listed because the changes either did not change the meaning of the rule, or changed the rule to lessen burdens on licensees, or to afford licensees greater flexibility. (Renumbered remaining subsections to conform.)

"Paid staff" means:

a. A licensee's paid employees who work at a facility;

b. Any temporary worker or independent contractor the licensee uses as a temporary replacement for an employee who is sick, on leave, or unavailable; and

c. Any independent contractor that the licensee retains to provide children in care with direct services at the facility.

Staff" means a licensee's paid staff and unpaid staff.

"Unpaid staff" "Personnel" means a licensee's ~~employed staff members, volunteers, students, and interns, and any contracted employee who work, train, or assist at a facility.~~

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R6-5-7401(72) Revised the definition of "threat" to eliminate ambiguity and the term "punish," and to make the definition more consistent with the overall intent of the rules. *"Threat" means an expression of intent to hurt, destroy, or ~~punish~~ take action prohibited by this Article or the licensee's policies, but does not include an expression of intent to impose a planned consequence for misbehavior if the consequence is not prohibited by this Article or the licensee's policies.*

R6-5-7403(A)(6)(e) Added the term "psychiatric" to better describe criteria used in Appendix 1 to distinguish different types of agencies. *"The frequency and method by which the applicant will provide or offer psychiatric, psychological, or counseling services;"*

R6-5-7405(A)(1)(e) and (f) Added text to clarify the information required for an application. *"...including those held in this state or another state or country."*

R6-5-7405(A)(2)(d) Added language to clarify the scope of the obligation and to avoid having a licensee provide duplicative information. *"A statement as to whether the applicant is for-profit or not-for-profit if not explained in other documents already provided."*

R6-5-7405(A)(3)(a) Changed "employees" to "staff" to conform to the added, defined term. *"A list of all the applicant's staff employees, including..."*

R6-5-7405(A)(3)(c) Changed text to conform to defined term and to address a concern that the phrase could encompass shift staff who sleep over at the facility (and do not have accompanying family members) as well as staff whose primary residence is the facility. *"For any staff whose primary residence is employee who will reside at the facility..."* To improve flow of text, also made the following change in subparagraph (ii): *"Evidence that any adult residing with the staff member member's adult household members has have submitted...and is are free..."*

R6-5-7405(A)(3); R6-5-7410(A)(8)(f); R6-5-7413(D) Changed "employee" to "staff" or "staff member" to be consistent with defined terms.

R6-5-7405(A)(4)(e) To address ABR's comment that trying to locate old financial documents might be difficult and burdensome, limited the duration of the obligation to the past 10 years. Also eliminated unnecessary text to improve conciseness. *"e. If the applicant or 1 of the persons listed in subsection (A)(1)(b) has operated any previously, or is currently operating a child welfare agency in this state or any other state during the past 10 years, the most recent financial statement and financial audit for that agency, unless the most recent statement or audit is more than 10 years old; and..."*

In further response to the ABR comment, subsection (D) of the rule does provide that if a document is unobtainable, the agency may explain this to the Licensing Authority.

R6-5-7405(A)(8)(g) Changed "or" to "and any" because the Licensing Authority needs to review both types of documents listed.

R6-5-7406(D) & (E) and R6-5-7412(D) & (E) Eliminated confusing language about the expiration of a licensing time frame. Also added text to permit the Licensing Authority to close an applicant's file if the applicant does not supply missing information after receiving a notice of deficiencies. Relettered remaining subsections in R6-5-7412.

R6-5-7406(D) *"For an initial application, the administrative completeness review time frame...ends when the Licensing Authority concludes the applicant's site visit. The administrative completeness review time frame is 75 days. At the end of the site visit, and Before before expiration of the time frame, the Licensing Authority shall send the applicant written notice..."*

R6-5-7406(E) *"If the applicant does not supply the missing information, as prescribed in the notice, within 60 days of the notice date, the Licensing Authority may close the file. An applicant whose file has been closed, who later wishes to become licensed, may reapply."*

R6-5-7412(D) *"For a renewal application, the administrative completeness review time frame...ends when the Licensing Authority concludes the applicant's site visit. The administrative completeness review time frame for a renewal application is 45 days. At the end of the site visit, and Before before expiration of the time frame, the Licensing Authority shall send the applicant written notice..."*

R6-5-7412(E) *"If the applicant does not supply the missing information, as prescribed in the notice, within 60 days of the notice date, the Licensing Authority may close the file. An applicant whose file has been closed, who later wishes to become licensed, may reapply."*

R6-5-7411(B) Revised text to eliminate the passive voice and future tense, and to clarify responsibility. *"An agency shall apply for The renewal application shall be on a Department application form..."*

R6-5-7411(D)(2) Clarified that agencies must submit evidence of current insurance with a renewal application. Added a cross-reference to the insurance rule to improve clarity. Eliminated a requirement that agencies must carry insurance naming DES as an additional insured, as a condition of licensure. *"A certificate of current insurance coverage as prescribed in R6-5-7426 which shall name the Department as an additional insured;"*

R6-5-7411(D)(4) Added text to clarify that an agency is not required to provide copies of complaints about matters unrelated to the licensed facility: *"Copies of any written complaints the agency has received about its performance at its facility during the expiring license year..."*

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R6-5-7414(B) Revised text to make the list of items required for an application for an amended license due to a change in location, consistent with R6-5-7405(A)(8) listing items required for an initial license application.

The licensing authority shall not issue a license for an agency or an operating certificate for a facility that has moved to a new location until the agency or facility has:

1. ~~Provided the information listed in R6-5-7405(A)(8);~~
24. Passed a DHS health and safety inspection;
32. Passed a fire inspection;
4. ~~Provided a new zoning clearance letter;~~
4. Passed a Licensing Authority site inspection; and
5. Submitted any new ~~staff personnel~~ and household members for fingerprinting and criminal background checks as prescribed in A.R.S. § 46-141 and R6-5-7431.

R6-5-7417 Revised Section to clarify that CPS is responsible for investigating allegations of child maltreatment and that the Licensing Authority is responsible for investigating other types of complaints. Also revised Section to clarify when the Licensing Authority is responsible for providing a licensee with written information about the results of an investigation.

- A. If the ~~Licensing Authority Department~~ receives an oral complaint....the ~~Licensing Authority Department~~ shall...
- B. ~~The Licensing Authority shall refer all complaints involving allegations of child maltreatment to CPS as required by A.R.S. § 13-3620 for investigation as prescribed in A.R.S. § 8-546.01(C).~~
- CB. The ~~Licensing Authority Department~~ shall investigate complaints...

* * *

7. Announced and unannounced inspections of the agency or a facility; and
8. ~~Evaluation of a law enforcement or CPS report for evidence of a licensing violation; and~~
28. Any other activity necessary to validate or refute the allegations.

* * *

ED. Upon completion of ~~an the investigation as described in subsection (C),~~ the ~~Licensing Authority Department~~ shall...

* * *

EE. The ~~Licensing Authority Department~~ shall provide the licensee with ~~an oral a-written report of any findings made under subsection (C) and, upon the licensee's request, a copy of the written findings placed in the licensee's file related to a complaint where a Department representative conducted an out-of-office investigation. At the time of giving the oral report, the licensing representative shall advise the licensee of the opportunity to obtain a copy of the written findings.~~

R6-5-7418(B)(3) Changed "employee" to "staff" to be consistent with defined terms.

R6-5-7418(E) Added text to emphasize the licensee's duty to cooperate with the Licensing Authority's monitoring of a licensee's corrective action plan: *"The licensee shall cooperate in any monitoring inspection as prescribed in R6-5-7416(C)."*

R6-5-7419(C) Eliminated 1 condition for issuance of a provisional license after determining that it was unnecessary and difficult to objectively measure: ~~3.The agency's services are needed for placement of children.~~

R6-5-7419(E) Clarified the time when an agency's license expires following issuance of a provisional license.

- E. If an agency receives a provisional license ~~at the time of annual renewal, and the license which~~ is later converted to a regular license during the agency's licensing year, the regular license expires 1 + year from the date the provisional license was issued.
- F. ~~If an agency receives a regular license at the time of annual renewal, and the license is converted to a provisional license during the agency's licensing year, the agency's license expires 1 year from the date the regular license was issued.~~

R6-5-7420(D)(2), (D)(3), and (E) Changed text to improve flow and to clarify when the presence of an adult with a criminal history can result in loss of a license. Added new subparagraph (3) to improve consistency with A.R.S. § 46-141.

2. Allows ~~personnel's~~ an adult other than those described in subsection (D)(1), ~~household member~~ who has been convicted of or is awaiting trial on the offenses listed in A.R.S. § 46-141, to reside at a facility; ~~or~~
3. Allows any staff or other adult at the facility, who has committed an offense listed in A.R.S. § 46-141(D), to have contact with children in care.

E. The Licensing Authority may deny, suspend, or revoke a license when an applicant, licensee, ~~any staff personnel, or any other personnel's~~ adult ~~household member~~ who resides at the facility, has been convicted of or found by a court to have committed...

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R6-5-7420(E) Changed and added text in response to ABR's comment that the Licensing Authority should consider only felony offenses in deciding whether a person's past criminal history should preclude the person from working at a facility. In making this change, DES also considered that convictions for a misdemeanor often result from plea agreements to reduce charges originally classified as felonies. The rule requires the Licensing Authority to consider all relevant information about the person and the offense.

In determining whether a person's criminal history affects an applicant's or licensee's fitness to hold a license, the Licensing Authority shall may consider all any relevant factors, including, but not limited to, the following:

* * * *

3. The nature of the offense and whether the offense was originally classified as a felony or a misdemeanor;

R6-5-7421(D)(1) Changed the appeal time period from 21 days to 31 days to reflect the longer appeal period specified in A.R.S. § 41-1092.03, which governs appeals for child welfare agencies as prescribed in A.R.S. § 8-506.01.

R6-5-7423(C) Many of the rules require licensees to adopt policies and procedures to govern particular matters, such as personnel, training, admissions, and discharge. Some of the proposed rules addressing mandated policies had inconsistent language. Some rules said, "A licensee shall have a policy..."; other rules said, "A licensee shall have and follow [or] implement [or] comply with a policy..." In all cases, DES expects a licensee to follow the policies that the licensee is required to adopt.

To better describe this expectation, changed the heading of this Section and added language to expressly require licensees to follow adopted policies. In R6-5-7442(A), R6-5-7452(A)(1), R6-5-7456(A), deleted language about "follow," "implement," and "comply with" the policy. The deleted language is unnecessary due to the broad mandate added to this Section.

R6-5-7423. Statement of Purpose; Program Description and Evaluation; Compliance With Adopted Policies; Client Rights; Single Category of Care.

C. A licensee shall follow all plans, policies, and procedures the licensee adopts in accordance with this Article.

Also clarified the requirement in subsection (D) to make it consistent with other requirements in the rules.

D. A licensee shall annually evaluate whether a facility is achieving the objectives its stated goals described in R6-5-7405(A)(5)(c)(i).

R6-5-7425(D) ABR commented that the rule on the agency audit contains unnecessary text because paragraphs (1) through (3) list things that are part of a standard audit. ABR also criticized the rule as requiring information that is not part of a standard audit, resulting in additional expense for a licensee.

After consulting with an auditor, DES has deleted the requirement that the audit include "[a] statement of fees received for services." DES kept the requirement that the audit report show "monies or other benefits paid or transferred" between the licensee and other entities. DES is required by A.R.S. § 8-505(C) to investigate an agency's financial stability. The information on transfers is pertinent to determining the solvency of the licensee. This information also helps DES determine if monies are being diverted from the cost of children's care to other purposes. DES also kept subparagraphs (1) - (3) because they provide guidance to agencies on what DES will focus on when it receives an audit report.

R6-5-7426(3) As in R6-5-7411, eliminated the requirement that agencies must carry insurance naming DES as an additional insured, as a condition of licensure. ~~"The licensee shall ensure that any insurance certificates carried by the licensee identify the Department as an additional insured."~~

R6-5-7427(C) Changed the term "informed consent to release [of records]" to "consent to release." It was not clear what a licensee must do to ensure that a consent is "informed."

R6-5-7427(D) Eliminated the requirement that a licensee obtain consent from a parent or guardian in order to release information to a person treating a child, in response to ABR's comment that the requirement was burdensome and unrealistic. The remaining text of the rule adequately protects the privacy interests of children and families. ~~"Before releasing personally identifiable information, the licensee shall obtain a written consent to release as prescribed in subsection (E) from the persons listed in subsections (C)(1) and (2)."~~

R6-5-7427(G)(3) Changed "and" to "or" to clarify that a licensee must release records if any 1 of the conditions exists.

R6-5-7428(A)(13) Changed "or" to "and" to clarify that all treatment documents and records on a child must be included in the child's file: "Treatment ~~and~~ or clinical records and reports;"

R6-5-7428(D)(2) Added "either" and changed "and" to "or" to clarify that a licensee is required to consolidate a file for inspection by the Licensing Authority upon the occurrence of either condition stated in the rule: "...within 15 days following either: a. A request for consolidation from by the Licensing Authority; or..."

R6-5-7429(A) ABR commented that this subsection (requiring licensees to establish grievance procedures) is unnecessary because licensees can resolve grievances through contractual remedies. In response, DES limited the obligation to grievances asserted by children in care and their parents against the licensee (as distinguished from a complaint brought with the Licensing Authority.)

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The language changed as follows: "...and resolution of grievances brought to the licensee by children in care and their parents regarding the licensee's program and care of children." This Section already contains the limitation that the substance of the grievance must involve care of children.

DES did not eliminate the rule because DES believes that it provides a necessary safeguard for parents, guardians, and children. Placing agencies do have contractual remedies available to them. However, a parent may also privately place a child in a facility. A parent may lack the bargaining power and sophistication to address problems with care by negotiating specific contract terms that deviate from an agency's standard contract.

In addition, contractual remedies are generally unavailable to children in care. A formal grievance process can serve as a teaching tool on how to seek change through an organized dispute resolution process. Although the right to grieve can be subject to manipulation, just as correctional facilities are frequently subject to frivolous prisoner lawsuits, the licensee, in its policy, can develop methods for addressing frivolous grievances.

Also limited the subsection prohibiting reprisal and retaliation. "2. Prohibit reprisal or retaliation against an individual who brings a grievance for the act of bringing the grievance;"

R6-5-7430(A)(5), (A)(7), (B) Changed "employee" to "staff" to be consistent with defined terms. In (B), changed the second reference to "the employee's" to "the person's." In (C), (D), & (E), changed "personnel" or "employee" to "paid staff" or "paid staff member" to improve the flow of text, to be consistent with defined terms, to better describe required information, and to save the licensee from having to keep a full personnel file on as many persons. Added the phrase "if applicable" because not all staff will have records in all the listed categories. Added a new subsection to require licensees to maintain some records on unpaid staff. Relettered remaining subsections to conform.

5. How the licensee handles staff ~~employee~~ grievances;

* * *

7. A method to ensure privacy of staff ~~employee~~ records.

B. The licensee shall give all staff-employee a copy of the person's ~~employee's~~ own job description and allow staff ~~employ-~~
~~ees....~~

C. A licensee shall maintain a personnel record for all paid staff ~~personnel~~. The record shall include the following information, if applicable:

* * *

4. Medical examination reports on paid staff ~~personnel~~...

5. Medical examination reports on any other adult residing ~~personnel's adult household members who reside~~ at the facility showing that the adult is ~~household members are~~ free from...

6. Medical and immunization records on personnel's children who reside at the facility but are not in care, as required by R6-5-7431(H).

* * *

10. Documentation showing that the paid staff ~~personnel~~ member employee has read...which shall include the dated signature of the staff ~~personnel~~ member...

11. Documentation showing that the paid staff ~~personnel~~ member has a valid driver's license if the staff ~~personnel~~ member transports...

* * *

14. Dates the paid staff member ~~employee~~ started and separated from employment...

D. A licensee shall maintain a personnel record on all unpaid staff. The record shall include the following information, if applicable:

1. Application for work or study, including previous employment history and educational background;

2. Reference letters and documentation of phone notes on references that are dated and signed;

3. Medical examination reports, as required by R6-5-7431(F);

4. Copies of applicable professional licenses, credentials, and certifications, as required by R6-5-7431(A);

5. Documentation of fingerprinting and criminal records clearance as required by A.R.S. § 46-141 and R6-5-7431(B);

6. Record of all orientation and training received while affiliated with the licensee;

7. Documentation showing that the person has read and agrees to abide by the facility's behavior management policies and procedures which shall include the dated signature of the person and a witness;

8. Documentation showing that the person has a valid driver's license if the person transports children;

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9. Reports of all performance evaluations;
10. Documentation of any personnel actions or investigations that result in a written report;
11. Dates the person began and ended affiliation with the licensee; and
15. Reason for ending affiliation with the licensee.

ED. ...at least 3 years after the ~~staff member's employee's~~ separation from the licensee employment.

R6-5-7430(C)(13) ABR commented that requiring a licensee to include all personnel actions in a staff member's personnel file was overbroad and would require excessive documentation. Clarified and limited the scope of this requirement to require only copies of actions that are reduced to writing. The rule includes both negative and positive actions such as commendations, written reprimands, and memos of concern. *"Documentation of any personnel actions or investigations that result in a written report."*

R6-5-7431(B) In response to ABR's comment that the rule fails to list certain questions asked on DES's criminal history form, added a new subsection and relettered and renumbered remaining subsections to conform:

B. ...all ~~staff personnel~~ having direct contact with children...shall be fingerprinted and shall certify on notarized forms provided by the Department whether they:

1. ~~Are~~ awaiting trial. * * *
2. ~~Have ever committed any of the acts listed in subsections (B)(1)(a), (g), (i), (m), (n), (o), and (p).~~

R6-5-7431(B), (C) In response to ABR's concern that it is burdensome and potentially outside the licensee's control to obtain fingerprints on all consultants, deleted the reference to consultants in (B) and (C). The duty to obtain fingerprints is also defined in reference to the fingerprinting statute, A.R.S. § 46-141; DES has no intent to set requirements that are broader than the terms of the statute. *"As prescribed in A.R.S. § 46-141, all ~~staff personnel, consultants~~ having direct contact with children..."*

R6-5-7431(C) To improve consistency with A.R.S. § 46-141, added text to subsection (C). *"A licensee shall not knowingly allow a person who has committed any of the offenses listed in subsection (B)(2) to have contact with children in care..."*

R6-5-7431(D)(2) In response to ABR's comment, deleted the requirement that a reference be able to speak to a person's "education" as well as the person's other qualities. A different Section requires the licensee to have written proof of a person's education. DES believes that any knowledgeable reference ought to be able to speak to a person's "character, knowledge and skills," 3 closely related attributes.

R6-5-7431(F) The licensee does not need physical exams on all staff, but only on those staff who provide direct care to children. Revised this requirement as follows: *"A licensee shall have ~~staff all personnel who provide direct care to children~~ obtain a physical examination..."*

R6-5-7431(H) To improve the flow of text, made the following changes: *"~~Other adults personnel's adult household members who reside at the facility ...Personnel's Children~~ children who reside at the facility but are not in care..."*

R6-5-7433(B) and (C) To clarify that subsection (B) covers initial training and subsection (C) covers ongoing training, revised text as follows:

B. All ~~staff personnel~~ shall receive initial orientation and training...The initial orientation...* * *

C. The licensee's ~~licensee shall have a written~~ training plan for ongoing training shall satisfy the requirements of this subsection ~~all personnel~~.

R6-5-7433(B)(4) Revised text to eliminate the passive voice and clarify responsibility. *"the licensee shall have a licensed medical practitioner ~~shall provide this training.~~"*

R6-5-7433 (C)(3)(f) and (g) Revised text to eliminate undefined, specialized terms and to clarify the obligations:

"The training shall cover...

g. Sensitivity towards and skills ~~related to for coping with~~ cultural and ethnic differences;

h. ~~Attitudinal biases within cross-cultural relationships, including Self~~ self-awareness, values, and professional ethics;"

R6-5-7434(C) and (D) Inserted the phrase "knowledge of" to clarify that the time for notification does not begin until the licensee learns of the event: *"...within [2 or 24] hours of knowledge of the [event]."*

R6-5-7434(G)(4) and (H) Changed language to avoid requiring a licensee to report on incidents where a medical practitioner examined a child but found that the child required no treatment, and to improve consistency with the language in subparagraph (5).

G. 4. *When a child in care or any other person suffers any injury from use of restrictive behavior management, and which requires ~~treatment intervention~~ by a licensed medical practitioner.*

Added language to clarify the type of documentation a licensee is required to provide.

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H. Within 5 calendar days, a licensee shall give the Licensing Authority written documentation of an event listed in subsection (G) above. The documentation shall contain at least the information required by subsection (A), and may be a copy of the licensee's unusual incident reporting form.

R6-5-7434(G)(4) Added "*in care*" after "*child*" for consistency, and changed "*staff member*" to "*person*" to make the notice requirement more comprehensive. "*When a child in care or person staff member suffers any injury...*"

R6-5-7434(I) In response to an ABR comment, deleted the word "*unexpectedly*" to clarify that a license is required to report and cooperate whenever a child dies, and changed "*police*" to "*local law enforcement authority*." "*I. If a child in care dies unexpectedly, a licensee shall notify the local law enforcement authority police and cooperate in any arrangements for examination, autopsy, and burial.*"

R6-5-7435(A)(1) and (2) Revised text to clarify that a licensee must have procedures for handling both alleged abuse (where a child alleges abuse but the licensee has no reasonable belief that abuse actually occurred) and suspected abuse (where the licensee reasonably believes that abuse may have occurred.) Also clarified that compliance with A.R.S. § 13-3620 requires only that a licensee to report suspected abuse. Also, added text to better conform to the statutory language in A.R.S. § 13-3620 and to clarify that the phrase "*if the agency so requires*" does not modify the phrase about the licensee's duty to notify the Licensing Authority.

A. A licensee shall have written procedures for handling alleged and any suspected or alleged incidents of child maltreatment, including at least the following provisions:

1. Reporting suspected incidents to law enforcement or Child Protective Services as required by in accordance with A.R.S. § 13-3620.

2. Notifying the Licensing Authority, and notifying the child's placing agency or person if the agency so requested requires.

R6-5-7436(1) Added and changed text to make the requirement more precise in terms of who needs notice of a child's history. "*Procedures for making staff who provide services to a child with a history of or potential for running away aware of that child's children with a history or who show potential for being runaways.*"

R6-5-7437(A)(1) Changed "*personnel*" to "*staff*" to be consistent with the rest of the Section and defined terms. "*How staff personnel coverage is assured.*" "*When assigned staff personnel are absent...*"

R6-5-7437(E) Added language to clarify that a licensee may need more staff than the minimum ratios specified in subsection (C), but shall not fall below those minimum ratios. "*E. A licensee shall not fall below the minimum Notwithstanding the staff-child ratios specified in subsection (C) and a licensee shall, notwithstanding those ratios, have staff personnel...*"

R6-5-7437(E) In response to an ABR comment, deleted text requiring a licensee to make a good faith effort to employ staff reflecting the surrounding community's cultural and ethnic character as difficult to monitor and enforce, and potentially inconsistent with the requirement to have staff with characteristics that reflect the children in care. "*A licensee shall make a good faith effort to employ staff who reflect the cultural and ethnic characteristics of the children in care and the community in which the facility is located.*"

R6-5-7438(B) Changed the age limit from "*under age 21*" to "*under age 22*" to clarify that a licensee may continue to care for a person while the person is 21, up until the time of the person's 22nd birthday. Also added language to clarify that an individual may also remain in care after age 18, if he or she is in a vocational training program. Also, changed language to eliminate the passive voice and clarify the licensee's responsibility. "*...a licensee may continue to care for an individual under age 22 21 as long as the individual is currently enrolled in and regularly attending a high school program or vocational training program. A licensee shall not allow an individual to remain in care Care shall not continue after the individual receives a high school diploma or certificate of equivalency, or completes the vocational training program.*"

R6-5-7438(D) Revised the list of categories that a licensee must evaluate at the time of a child's admission to make the list consistent with the list in R6-5-7468((B)(4) for shelters, by adding the terms "*behavioral*" and "*family*."

R6-5-7438(E)(7) and (8) Added and revised text to address comments from ABR and Northland that requiring a licensee to contact the prescribing physician to verify a child's need for medication that the child brings at admission may be difficult and is unnecessary and potentially costly. The purpose of the rule is to ensure that the licensee gives independent thought to the child's need for a particular medication. The added text eliminates the requirement for verification if the medication is in a properly labeled container; the licensee documents the action taken; and the licensee does not renew the prescription without first determining that the child needs it.

7. If a child is taking medication at the time of admission, the licensee shall:

- a. If the medication is in its original container, labeled by the dispensing pharmacist with a fill date, prescribing physician, and instructions for administration, document the receipt of the medication as prescribed in subsection (E)(6)(c); or
- b. If the medication is not in its original container, or if the container is not labeled as described in subsection (E)(6)(a), contact ~~Contact~~ the prescribing physician to verify the medication administration schedule and reason for the medication; and
- c. Document the contact in the child's medical record required by R6-5-7455 and the medication administration schedule as prescribed in R6-5-7453(B).

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8. A licensee shall not refill a prescription that a child brings at admission without having a licensed medical practitioner determine the child's need for the medication and documenting the need as prescribed in subsection (E)(7)(c).

R6-5-7438(E)(9) Revised text to clarify the purpose of this Section which requires a person working at the facility to do a general assessment of a child's visible health when the child first arrives at the facility. ABR suggested deleting this Section and requiring a physician to perform this examination.

This examination is not meant to be a substitute for the comprehensive physical examination required by R6-5-7452(B). The person doing this assessment needs to look for obvious wounds, bruises, or broken bones, a fever, or other obvious physical problems. The person should determine if the child can hear or is hearing impaired, and whether the child can see or is visually impaired. If a child arrives with obvious problems, the licensee is then obligated to obtain treatment for the child. DES believes that this requirement also serves to protect the licensee. If the licensee examines the child, finds an injury, and documents the injury, the licensee then has a record that the child did not receive the injury while under the licensee's care. DES added text in this Section to reinforce the licensee's obligation to document any findings.

Very few facilities have a licensed medical practitioner on staff and available to do this examination. It would be costly and burdensome to require a physician to do the initial, cursory examination. DES opted to permit direct care staff, who have received training from a licensed medical practitioner in what to look for, perform this examination. DES added text to permit a licensee to use a medical practitioner if the licensee chooses to do so.

9. Within 24 hours of a child's admission, a direct care staff personnel member who has the training prescribed in R6-5-7433(B)(4), or a licensed medical practitioner, shall assess the child's general health, by:

- a. Looking at the child for signs of obvious Assessment for physical injury and symptoms of disease or illness;
- b. Assessing the child for evidence of apparent Assessment of vision and hearing problems; and
- c. Documenting any conditions or problems and referring the child Referral for immediate or further assessment or treatment, if indicated.

R6-5-7440(C)(4) ABR commented that it was "ridiculous" to require a licensee to make behavior management rules available to a child in care. The goal of subsection (C) is to require a licensee to lay out ground rules for a child admitted into care. A child cannot be expected to comply with rules that are not explained or not understood. Subsections (C)(2) and (3) require the licensee to provide an oral explanation. Subsection (C)(4) does not require the licensee to give every child a written copy of the rules, but merely to make a written copy available for review. DES believes it is reasonable, and not ridiculous, to require a licensee to make a written copy of its behavior expectations available to children who choose to review them.

DES revised this Section to require the licensee to make available only those rules which explain how children are expected to behave and how the children should expect staff to behave towards them. This added language eliminates any obligation to provide a child with information about the licensee's internal procedures. "4. Make available a copy of the behavioral rules prescribed by R6-5-7456(A)(3)(a), (b), (c), (d), and (h)."

R6-5-7441(A)(1) and (2) ABR suggested that it was inappropriate to require that a child's service plan have a discharge plan and discharge dates because failure to achieve the date can result in frustration and disappointment. The goal of this rule is to ensure that the licensee does not allow a child to languish in care or treat residential care as a permanent solution. At some point, every child will leave a program; a licensee needs to take action to prepare the child for that day. DES revised the text to better describe the purpose of the rule.

1. A description of services the child is to receive while in care, including services to ready the child for discharge or emancipation from the program;
2. Goals and objectives for the child, including a discharge plan;

R6-5-7442(B)(8) Revised text to conform to change in definitions for after-care and discharge plan, and to clarify that a licensee is not compelled (as a result of a licensing rule) to develop an after-care plan. (A placing agency may require an after-care plan as a matter of contract.) "~~Any An~~ after-care plan and identification of any person or agency responsible for follow up services and after-care."

R6-5-7446(C) Revised text to eliminate the passive voice and clarify the licensee's responsibility. "~~A licensee shall develop a specialized menu for a child with special nutritional needs. Children with special nutritional needs shall have specialized menus to address those needs.~~"

R6-5-7446(F) To clarify that the rule is designed to prevent a licensee from going more than 14 hours between dinner and breakfast, changed the text from "morning and evening meals" to "evening and morning meals."

Barracks: Many of ABR's comments were devoted to ABR's concern that the rules prohibit a barracks-type facility designed to handle delinquent youth. A barracks type facility frequently has an adult staff member who sleeps in the same room as the youth. A facility designed as a barracks often cannot meet the minimum square footage requirements for bedrooms, or other requirements regarding living space and bathrooms. The workgroup that wrote the rules inserted many of these provisions to prevent licensees from "warehousing" children who have already suffered abuse and neglect, and protect these children from further depersonalization. However, DES does not wish to foreclose options or programs where barracks type living is a key component of the licensee's program, so long as the nature of the program is described in the licensee's promotional and organizational materials, and made known to placing agencies and persons.

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To accommodate this type of facility, defined the term "barracks" and added new subsections to the rules on sleeping arrangements, bedrooms, bathrooms, and staff quarters and appeals. Denials are not appealable.

R6-5-7401(8) "Barracks" means a building that:

- a. Is designed and constructed or remodeled for the specific purpose of housing large numbers of children of the same gender;
- b. Has wide, open sleeping areas for children, under 1 roof;
- c. Is identified and described as a barracks or dormitory in the agency's promotional and organizational materials; and
- d. Is made known as a barracks or dormitory to placing agencies and persons considering placement of a child.

R6-5-7447(2)(f): The sleeping area at the facility is a barracks which has been approved as described in R6-5-7461(B) and R6-5-7462(B), and a paid staff member sleeps in the same room to supervise the children in care.

R6-5-7461(B): The square footage area prescribed in subsection (A)(2)(c) is presumed adequate. If a licensee operates a barracks type facility which does not meet these square footage requirements, the licensee shall present a written plan showing how the licensee's square footage provides enough space for sleeping, rest, study, recreation, ingress, and egress in an emergency. The Licensing Authority shall review and approve the plan if it is consistent with the licensee's described program and does not pose a risk of harm to children in care.

R6-5-7462(B): The bathroom fixture requirements prescribed in subsections (A)(1)(a) and (b) are presumed adequate. If a licensee operates a barracks type facility which does not meet these requirements, the licensee shall present a written plan showing how the licensee's bathroom facilities permit children in care to maintain adequate hygiene. The Licensing Authority shall review and approve the plan if it is consistent with the licensee's described program and does not pose a risk of harm to children in care.

R6-5-7463(C): A licensee operating a barracks type facility that has been approved as described in R6-5-7461(B) and R6-5-7462(B) is not required to provide separate space as described in subsection (B).

R6-5-7421(C): The following actions are not appealable adverse actions: * * * 2. Denial or revocation of permission for operation of a barracks facility as prescribed in R6-5-7461(B) and R6-5-7462(B);

R6-5-7447(4) The purpose of this subsection is to protect other children in care from a child who may act out aggressively or sexually during sleeping hours. DES revised this Section to include dangerous behavior other than sexual behavior and to require a "documented record" rather than a "history." DES also eliminated the reference to "ensure that no other children are at risk" because even the best arrangements cannot guarantee safety. 4. If a child has a documented record history of sexually-acting-out behavior that poses a risk to other children in care, the licensee, in consultation with the placing agency or person, shall develop special sleeping arrangements for that child to minimize the risk of harm to other children. The special sleeping arrangements shall ensure that no other children in care are at risk from the child with the history of sexually-acting-out behavior. The licensee shall document the arrangements in the child's case record.

R6-5-7448(B) Changed text to limit the scope and improve the flow: "...with a person other than a staff who is not an agency personnel member..."

R6-5-7449(C) Deleted the vague term "regularly." Added text to better explain what is deemed "regular." "The licensee shall communicate with staff at an educational program in which a child in care is enrolled to discuss the child's progress. At a minimum, the licensee shall attend scheduled parent-teacher conferences."

R6-5-7456(C) and R6-5-7456(C)(4) (Renumbered from R6-5-7446(F)) Revised this Section to prohibit a licensee from threatening to take any action prohibited by this Article or the licensee's own policies, instead of describing a threat as a subcategory of abuse. ("Threat" is a defined term.) Also eliminated the term "severe" as vague. Added the phrase "spanking or paddling" as a prohibited practice to better explain the meaning of corporeal punishment.

ABR also commented that the phrase "otherwise require a child to eat" in R6-5-7446(F) was vague and could be construed to prohibit a licensee from requiring a child to eat dinner before desert. Upon reviewing this Section, DES determined that it was better located in the behavior management Section of the rules, moved this subsection to that rule (R6-5-7456), changed the text as described below, and renumbered remaining subsections to conform. "A licensee shall not force-feed or otherwise require a child to eat except as prescribed by a licensed medical practitioner."

C. The licensee shall not threaten a child or allow any child to be subjected to maltreatment...or cruel, unusual, ~~severe~~ or corporal punishment, including the following practices:

1. Spanking or paddling a child;
2. The threat of any form of physical violence;

* * *

5. Force-feeding except as prescribed by a licensed medical practitioner;

R6-5-7456(C)(6) This Section is meant to prevent a licensee from requiring a child to engage in physical activities that could prove harmful. This Section was revised to clarify the scope and address ABR's concern that the text prohibited even "safe" repetitive tasks such as writing sentences. (DES believes that compelling a person with carpal tunnel syndrome to write the same sen-

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tence multiple times could prove harmful to that person.) The Department also deleted the reference to "strenuous activities" to avoid confusion with the next Section which permits strenuous exercise under certain conditions, and deleted the reference to "punishment," which was eliminated as a defined term. "6. *Requiring a child to take a painfully uncomfortable position, such as squatting or bending for extended periods of time, or requiring a child to repeat physical movements, as punishment,*"

R6-5-7456(D) Added a new subsection to better explain how the License Authority will determine violations of subsection (C)(7):

D. To determine whether a licensee has violated subsection (C)(7), the Licensing Authority shall consider the all the circumstances at the time of the action, including the following:

1. The child's physical condition;
2. Whether the child was taking any medications that may have affected the child's ability to perform the action, such as psychotropic medications or antibiotics;
3. The climatic conditions under which the child was performing the action, such as intense heat or cold, rain, or snow;
4. The level of force, if any, the licensee used to require the child to perform the activity and whether any use of force resulted in injury to the child; and
5. Whether the activity was consistent with the licensee's program description and procedures.

R6-5-7456(E) and (F) Reformatted and revised these subsections to put restricted behavior management techniques in the subsection preceding the subsection listed the conditions for the restrictions. Also, eliminated the reference to an "organized athletic program" as unnecessarily restricting an agency's flexibility. Added text to clarify that strenuous activity could be related to a work activity as well as a physical conditioning program. Also added text to require that the physician who examines the child to determine the child's ability to participate in strenuous activity needs to knowledgeable about the general program and types of activities in which the child will participate.

E. ~~D.~~ The behavior management practices listed below in this subsection (E) are restricted. A licensee may use a restricted practice only when the practice and the circumstances warranting its use are licensee satisfies the conditions listed in subsection (F) and any additional conditions listed in this subsection.

1. Consistent with the licensee's program description and purpose;
2. Described in the licensee's behavior management policy;
3. Used as prescribed in this Section; and
4. Not otherwise prohibited by these rules.

E. The restricted behavior management practices are listed in this subsection.

1. Required physical exercises such as running laps or performing push-ups, and assignment of physically strenuous activities, except:
 - a. As expressly prescribed in a child's service plan and as part of a regular physical conditioning program related to an organized athletic program or as part of a work experience that meets the requirements of R6-5-7449(F) and (G);
 - b. With documented clearance by a physician who is knowledgeable about the physical activities in which the child will participate; and
 - c. Within sight supervision of staff.

* * *

E. A licensee may use a restricted practice only when the practice and the circumstances warranting its use are:

1. Consistent with the licensee's program description and purpose;
2. Described in the licensee's behavior management policy;
3. Used as prescribed in this Section; and
4. Not otherwise prohibited by these rules.

R6-5-7456(E)(3) This subsection is meant to prevent a licensee from denying a child visitation with parents and guardians outside the facility. For dependent children, such visitation is frequently court ordered and critical to the reunification process. Revised this Section to eliminate ABR's concern that the language was overbroad and would prevent a licensee from segregating a child from other children in care or imposing other reasonable restrictions. Also eliminated the term "punishment" because it is no longer a defined term. *Denial of visitation or communication with significant persons who are outside the facility privileges solely as a consequence for inappropriate behavior punishment.*

R6-5-7458(B)(3) Because most homes are built with doors that open inwards, deleted the following requirement for exterior exits:
"2. Exterior doors shall open toward the outside."

R6-5-7458(D) Revised text to eliminate the vague term "satisfactory." *"...the licensee shall obtain a written, satisfactory water analysis report, showing that the water is potable and meets the applicable requirements for safe drinking water in 18 A.A.C. 4. The licensee shall get the analysis and report from completed by a laboratory certified by the Arizona Department of Health Services before initial operation and each annual renewal."*

R6-5-7459(C)(3) To clarify that a licensee is both required to have mirrors in a facility, and also required to securely attach mirrors to walls, revised this subsection as follows:

3. ~~A licensee A facility shall have mirrors in the facility to permit children in care to examine their personal appearance which are secured to the walls at heights convenient to the children in care.~~
4. A licensee shall secure the mirrors to walls at heights convenient to the children in care.

R6-5-7459(L) To clarify the meaning of "emergency lighting system," added the following text:

1. In this subsection, "emergency lighting system" means a battery or generator operated system that:
 - a. Automatically activates if electrical power fails; and
 - b. Provides sufficient light for persons to exit safely in an emergency.
2. If a licensee provides written documentation showing that a facility's emergency lighting system meets applicable city or county building codes for such systems, the system is presumed adequate to satisfy this subsection.

R6-5-7461(A)(1) Changed the term "mobile home" to "mobile dwelling" to make it consistent with the change in the defined term as described above.

R6-5-7461(A)(2) To address concerns that the proposed rule was not adequate to assure emergency escape, revised text to add requirements from the current rule, as follows:

The licensee shall provide children in care with bedroom space that:

- a. Has a direct source of natural light;
- b. Has a window that:
 - i. ~~Opens to the outside without a grill or other impediment to immediate emergency exit;~~
 - ii. ~~Can be easily opened from inside;~~
 - iii. ~~Measures at least 22 inches on each side; and~~
 - iv. ~~Has a bottom sill that is no more than 48 inches from the floor; and~~
- c. Is at least...

R6-5-7462(1)(d) Because no floor can be entirely slip-proof, changed text: *"Bathtubs and showers that are with slip-resistant proof floors,"*

R6-5-7464(C)(1) Inserted omitted words: *"manufacturer's instructions, recommendations..."* Also, because smoke detectors do not come with signals to indicate missing batteries, deleted this requirement: *"Each smoke detector shall have a signal to indicate that batteries are low, or are not working properly, or are missing."*

R6-5-7465(J) For thoroughness and consistency, changed "staff" to "any person." *"A licensee shall not allow any person staff to use tobacco products inside buildings."*

R6-5-7466(A) Changed text to improve clarity: *"A licensee shall fence an outdoor swimming pool to separate it from all buildings, and with a fence that..."*

R6-5-7467(C)(3) To better describe what occurs on an outing and to make sure that the person with the children keeps the children's emergency information, revised the text and created a new subsection. *"3. The person supervising the child driver shall keep the information in the vehicle during the outing."*

R6-5-7467(E)(2) Changed text to clarify the requirements for buses. *The licensee shall not allow the number of individuals in a vehicle used to transport children in care to exceed the number of available seats and seat belts in a the vehicle other than a bus-excluding buses. If the vehicle is a bus, the licensee shall not exceed the maximum stated occupancy on the bus inspection certificate.*

R6-5-7468(B)(4) This subsection was intended to exempt shelter care facilities from obtaining and performing an assessment of a child. The GRRC analyst questioned whether the text actually exempted the shelter. The analyst also questioned why this list differed from the list in R6-5-7438(D). Revised the language as follows: *"At the time of a child's admission, the licensee is not required to obtain do the comprehensive intake assessment required by R6-5-7438(D), but shall work with the placing agency or person to compile information on and assess the child's current social, behavioral, psychological, developmental, health, legal, family, and educational status as applicable to the child."*

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Appendix 1: In response to a concern that JACHO may accredit an agency operating a child welfare facility, revised the text about accreditation to clarify that the particular facility seeking licensure will not have JACHO accreditation even though the umbrella agency for the facility may operate other facilities that are JACHO accredited.

10. A summary of the principal comments and the agency response to them:

Paragraph 9 above describes many of the comments DES received, and how DES responded to the comment by making a particular change. This paragraph describes comments that DES received where DES decided not to make the requested change.

Many licensees have expressed support for the new rules. One large agency, Arizona Boys Ranch ("ABR"), has asserted that the rules are overly broad, are outside the scope of DES's statutory authority, impermissibly dictate treatment philosophy, and infringe on freedom of contract. ABR has asserted that the rules should be strictly limited to "health and safety" issues. ABR commented that the rules fail to make DES accountable to the licensed community. ABR, which is 1 of the state's largest providers, also asserts that the rules impose costs that may be prohibitive for smaller agencies.

Conversely, DES believes that programmatic issues are intimately tied to a child's health and safety. Child welfare agencies are entrusted with the care of children who frequently suffer from emotional troubles related to a history of abuse and neglect. These agencies are not subject to the strict licensure requirements to which behavioral health agencies are subjected. The programs and services of a child welfare agency must be designed and operated to meet the special needs of these children and ensure that they do not suffer any more physical harm or emotional damage.

Contrary to ABR's assertions, DES has not tried to dictate treatment philosophy in these rules. Indeed, the rules are written to permit innovation, flexibility, and diversity of programming. In most cases, the rules require a licensee to write policy and procedures explaining how the agency approaches a particular issue. The rules may specify the general areas that the policy or procedures need to address, and do, in some cases, specify prohibited conduct or minimum requirements. Agencies are then required to disclose this information to placing agencies and persons to permit them to make a rational and informed choice about whether the particular agency can meet the needs of a particular child. DES took this approach to try and build flexibility into the rules and to allow licensees to develop policies and procedures that best fit their particular needs and program. Whenever possible, DES tried to specify results that agencies must achieve, without specifying the method by which the licensee must achieve the objective.

Unquestionably, the rules do contain more specificity and detail than the current rules. The old rules were frequently criticized for their vagueness and lack of specificity. Some licensees have complained that the old rules give DES unfettered discretion, resulting in arbitrary and inconsistent treatment. The new rules provide far more specificity and criteria that DES must consider when exercising its discretion, about the qualifications of persons providing services and staff-client ratios.

Much of the added specificity is directed at improving DES's accountability to the licensed community. The old rules have very little information on the application and licensing process. For example, current R6-5-7406 requires persons to "make written application to the Department on the prescribed forms." The new rules list, in detail, all of the information required for the application and describe what happens during the licensing site inspection. The new rules contain licensing time frames. The new rules describe procedures for licensing a satellite facility and obtaining an amended license. The new rules describe how the Department performs its monitoring functions and investigates complaints. The rules establish procedures and criteria for imposition of a corrective action plan and a provisional license, and more detailed criteria for denial, suspension, and revocation of a license.

Provider Input

ABR representatives commented that the rules were developed without meaningful provider input. The Arizona Administrative Procedure Act (APA) has very specific requirements about public participation. At a minimum, an agency must provide notice of the rules through publications in the *Arizona Administrative Register*. The agency must provide at least 30 days opportunity for written public comment and opportunity for oral comment if at least 5 people request a hearing. The rules must go to the Governor's Regulatory Review Council, which also takes written and oral comment.

Rule Development

In developing these rules, DES went far beyond the APA's minimum requirements. DES invited numerous stakeholders to participate in a workgroup charged with responsibility for rewriting DES's group home rules. DES invited representatives from DES's licensing unit, other DES units that interact with or are affected by licensing activities (CPS, the Young Adult Program, the Division of Developmental Disabilities), other state agencies impacted by licensing activities (DHS, the State Fire Marshall's office, the Administrative Office of the Courts, the Office of the Attorney General), small and large licensed agencies, and persons who were previously in care.

The manager of DES's licensing unit and a provider representative co-chaired the workgroup. DES retained a national consultant to serve as the group's facilitator and a source of expertise about modern best practices. Over the course of a year, the workgroup had 13 day-long meetings to write and revise a set of draft rules. Due to the extensive time commitment, not everyone invited to the meetings attended every meeting. DES could not compel anyone but its own employees to participate in the workgroup.

Informal Comment Process

After the workgroup finished the draft, DES sent a copy of the draft to all 67 licensed agencies and other stakeholders for review and comment. DES also scheduled community meetings for interested persons to come and discuss the draft. Many providers attended the meetings, offered comments, and raised questions.

In response, DES staff revised the rules to address issues raised, and to make sure that the rules met the standard of clear, concise, and understandable. The provider co-chair and Assistant Attorneys General from the Economic Security Section participated in the

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revisions. Following these revisions, DES sent the rules out to all agencies and other stakeholders for 1 more round of informal comment before filing proposed rules. DES made additional changes in response to comments received.

Formal Rulemaking Process

After filing the rules as proposed rules, DES actively solicited comment from interested stakeholders. DES notified stakeholders that the rules had been filed, and advised stakeholders of the dates for the formal public hearings. DES provided copies of the proposed rules to approximately 20 stakeholders who requested a copy after receiving the letter. DES staff also met with the GRRC analyst for a courtesy review. DES has made changes to the rules in response to oral and written comments received, as described in the Notice of Final Rulemaking and the Concise Explanatory Statement.

R6-5-7401. Definitions

ABR commented that several definitions are vague and provide inadequate guidance.

De-escalation The definition is general to permit the very flexibility that ABR complains is lacking in the rules. DES did not wish to list specific actions or statements that might be used to de-escalate behavior; what is most appropriate will depend on the particular crisis situation. The substantive rule where the term is used explains when de-escalation is to be used.

Discipline ABR suggested substituting various dictionary definitions that are akin to ABR's highly structured program model serving predominately delinquent youth, for the proposed definition. DES chose a more neutral definition that is better suited to the range of agencies governed by these rules.

Exploitation DES believes the definition is clear as written, particularly because the definition includes illustrative examples. The definition is similar to the DHS definition for behavioral health service agencies (R9-21-101(B)(23).) The rules permit the work experiences described by ABR. (See R6-5-7449(F).)

Personnel (Now "staff," "paid staff," and "unpaid staff.") ABR expressed concern that the broad definition of personnel would place unreasonable burdens on licensees. ABR has not considered how the word is used in context. DES sought a comprehensive definition that would include all persons who provide services to children at a facility. Not all rules apply to all staff. Some rules apply only to paid staff, a more limited group of people. Still other rules apply only to staff or personnel providing direct services to children.

Physical restraint Physical restraint can include everything from grabbing a child to 4-pointing a child on a floor. DES sought a general definition of physical restraint to encompass the many types of physical restraint that exist. In response to ABR's comment, DES slightly revised the definition to set some boundaries. The definition is very similar to the DHS definition in R9-20-101(A)(66).

R6-5-7405(A)(1)(g) Application

ABR commented that requiring a full litigation search on an agency's key staff (CEO, program director, facility supervisors, owners, and medical director) will result in added expense. The rule does not require a litigation search; the rule requires the licensee applicant to describe past litigation in which these persons were parties. Presumably, the persons holding the position can remember past litigation and list it for the application. The rule requires this information only on a few people. In many agencies, 1 person fills several roles, which will further reduce any burden.

DES believes that requiring a description is the least intrusive way to get basic information and assist the licensing specialist in determining if any further inquiry is warranted. The Department needs this information on key staff. For example, if a licensee's CEO shows a history of bankruptcy and financial problems, it may raise a question as to whether the CEO can maintain a financially stable agency. If the program director was divorced as a result of spousal abuse, lost custody as a result of child abuse, or has a history of not paying child support, it may raise a question as to that person's fitness to operate a program for abused and neglected children.

R6-5-7416. Monitoring

ABR commented that the rules should limit the number of monitoring inspections that DES can conduct at a facility. DES thinks that an arbitrary number would unduly restrict its flexibility and inhibit its regulatory oversight role. As a practical matter, licensing staff do not have the time or opportunity to make multiple monitoring visits. The caseloads are such that the majority of a licensing specialist's time is consumed by initial and renewal licensing visits, the follow-up work and background checks required for licensure, paperwork responsibilities, complaint investigation, monitoring corrective action plans, and performing other internal administrative tasks.

R6-5-7417. Investigations

ABR commented that DES should be required to investigate complaints by first making telephone contact and requesting documentation before going out to a facility. In fact, most licensing visits are "announced;" the licensing specialist will call the licensee before going out to a facility. Caseloads are such that licensing specialists will not make an unnecessary trip to an agency if a matter can be resolved telephone. However, DES needs the flexibility to make both unannounced and announced visits. DES believes that the constraints proposed by ABR would impede its ability to effectively investigate and would put children at risk. For example, if a licensee is engaged in an unsafe practice, or has an unsafe condition at its facility, children at the facility could be at risk while DES waits for paperwork. If an agency is not timely documenting activities, DES needs to know this rather than allow an agency time to create required documentation.

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R6-5-7421. Appealable Actions

ABR commented that DES should allow licensees to appeal corrective action plans and alternative methods of compliance. Constitutional law governing due process rights and statutory provisions (A.R.S. § 8-506.01) govern what is and is not an appealable agency action. DES provided for appeal of those matters where there is a liberty or property interest at stake, and where appeal is required by statute. DES defined "material change in licensing status," which is an appealable action.

Denials of alternative methods of compliance are not appealable because, as the rule makes clear, they are extended as an accommodation, not a right. Imposition of a corrective action plan does not prohibit an agency from continuing to operate and does not infringe on a property right. If a corrective action plan is required in conjunction with a provisional license, the agency may appeal the issuance of the provisional license. Corrective action plans to remedy conditions not resulting in a provisional license require a spirit of cooperation between the agency and DES. (See R6-5-7418.) Such plans are not likely to generate an appeal.

Denials based on fingerprint and records checks of criminal history are not appealable because these checks are outside of DES's control. DES submits fingerprints and criminal histories to the Department of Public Safety (DPS), which in turn forwards the information to the FBI. DES then accepts the results that DPS provides. A person who believes the results are erroneous must take up the issue with DPS or the FBI, not DES. A.R.S. § 46-141 does not give DES the latitude to permit persons who fail a fingerprint check to work at a facility.

R6-5-7428(A). Children's Records

The GRRC analyst asked why the rules did not require licensees to keep unusual incident reports in a child's file. Some licensees believe that unusual incident reports are business records rather than part of a child's record. While licensees must keep such records, many licensees believe it is not appropriate to include copies in the child's file. The child's file should contain progress notes documenting a child's involvement in an unusual incident.

ABR commented that the rules should not dictate the information that an agency includes in a child's record; ABR believes this matter should be left to contract. This rule is critical for DES monitoring and oversight of many other rules. Unless DES requires a licensee to maintain these records on a child, DES has a very difficult time of determining whether a licensee is providing a child with required medical care and taking other action required to address a child's needs and placing plans. When a licensing specialist conducts a monitoring visit or a relicensing inspection, the children's records are a primary source of information about how the program is operating.

The licensing specialist may not be present when a child receives an initial medical inspection for obvious health problems, but can look at the notes in the file to see if the inspection was done. The licensing specialist will not be present when a child has a scheduled visit with a parent, but can look at progress notes to determine if the licensee is allowing court ordered visitation and providing other services required by court order or set forth in the child's service plan. Moreover, placing agency contracts will not cover situations where children are privately placed. This rule provides guidance as to what is deemed to be a comprehensive record.

R6-5-7429. Grievances

ABR commented that it is burdensome to require a licensee to maintain copies of grievance decisions as well as a grievance log. Subsection (E) permits copies of the decisions to serve as the log if the decisions include certain basic information and are kept in 1 location. DES thinks it is valuable to have information on grievances collected in 1 location because it helps the licensing specialist determine whether there are patterns of complaints or problems. These patterns might not be readily apparent if the licensing specialist has to review decisions in individual client files. Moreover, because of the limited scope of the grievances covered by this rule, DES believes that no licensee will have a substantial number and that maintaining copies or a log will not be burdensome.

R6-5-7432. Social Work Degrees

ABR comments that the rules inappropriately require agency employees to have degrees or experience in social work. The rule does not say this. R6-5-7432(B)(1) requires the agency's program director to have a degree in social work or a related area of study or a bachelor's degree in social work or a related area and 2 years of experience in child welfare or child care. Similarly, supervisors and direct care staff need education or experience in child care or child welfare. A related area of study can include education, psychology, juvenile justice, or sociology.

The children living in these facilities are often dependent and sometimes delinquent. It requires a certain level of expertise and experience to be able to work effectively with these children. DES believes that the education and experience requirements in the rules strike an appropriate balance between agency flexibility and the need to have persons with training and experience that has prepared them to deal with the difficult and challenging children housed in these facilities. The rules include an exemption for current employees so that no licensee is faced with the prospect of terminating an employee who does not meet the requirements.

R6-5-7433. Training

ABR comments that DES should not dictate the subjects on which an agency should train its staff and should limit the rule to a certain number of hours. The rule seeks to list general topics that are applicable to all types of child welfare agencies. The rule does not dictate how much time a licensee should spend on each subject. The rule is limited by requiring the licensee to adjust the training "as appropriate to the children in care." The licensee can adjust the time devoted to each subject to the particular characteristics of the licensee's program. To merely require "job-related training" as ABR suggests is vague and inadequate and provides no guidance to agencies.

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R6-5-7434. Unusual Incidents: Reports and Disclosure

Form of Report: In the past, licensees have complained that the incident reporting rule is vague and does not describe the information DES is seeking. In response to this criticism, DES detailed the information it wants. The information required by the new rule is very basic: who, what, where, when. ABR commented that the new rule is burdensome and will require a full scale investigation of every trivial occurrence. This is not true. DES regularly receives incident reporting forms that cover the listed information on 1-2 pages.

The rule provides detail on what is and is not an unusual incident subject to disclosure. In the past, disclosure has been inconsistent. Some licensees report all incidents - even a stubbed toe. Other licensees report very little. This rule will improve consistency. Notably, disclosure is limited to catastrophic events such as death, major injuries, fires, and natural disasters. Presumably, catastrophic events of this nature are infrequent occurrences at an agency. Thus, reporting of these events should not impose unreasonable burdens on licensees.

Some licensees have indicated that these reports protect them from belated claims of abuse and negligence by providing a clear, timely statement of events.

Disclosure of Incidents: The old rules give licensees the option of notifying the licensing authority "and/or" the placing agency of an unusual incident. Some agencies have used this ambiguous phrase to avoid disclosing problems. DES may not find out about a child who has suffered an injury until days after the incident. By this point, the placing agency may have removed the child out-of-state, and memories are not as fresh as they were when the incident first occurred.

The new rules require disclosure to both the placing agency or person and the licensing authority. The placing agency or person is responsible for the welfare of the child and needs to know if the child has died, suffered an injury, or been involved in some other unusual occurrence. The placing agency or person may need to take action such as court notification, parental notification, seeking a change of placement or other activity.

The Licensing Authority monitors the agency to ensure the safety of all children and needs to know about unusual incidents to determine if the agency is complying with the rules or if there is some systemic problem that puts other children at risk.

ABR commented that this Section is written in language that presumes abuse. When ABR made this same comment prior to publication of the proposed rules, DES changed the text of this Section to refer to "suspected or alleged" incidents of abuse, and to the child who "allegedly" suffered maltreatment. DES did not add the "suspected or alleged" language to subparagraph (4) because that paragraph describes action that a licensee takes only after the allegation is substantiated. DES believes that these changes adequately address ABR's concern that the language presumes abuse.

DES kept the requirement that a licensee take steps to protect children from persons who are only suspected of abuse. DES believes that licensees should err on the side of caution and take protective measures in case the allegation is true. The rule gives licensees discretion to decide what measures may be necessary to provide protection. It may be adequate to require only that the suspected person not be left unsupervised with children until the investigation is concluded.

ABR also commented that this rule is outside the scope of DES's statutory authority because it requires a licensee to report alleged abuse and the reporting statute, A.R.S. § 13-3620, only requires a licensee to report suspected abuse. The rule is written to require compliance only with the statutory duty, not to impose broader duties.

R6-5-7437. Staff-Child Ratios

ABR commented that specific staff-child ratios intrude on its contracts with placing agencies. The rule includes specific numbers to address the vagueness problems in the current rules. Lack of adequate supervision frequently leads to other problems and can endanger children in care. The numbers in the rule were agreed to by the members of the workgroup. No other agency has complained that the numbers are unreasonable.

ABR also criticized subsection (E) which requires a licensee to have staff in numbers sufficient to comply with the licensee's own policies and to address the licensee's history of unusual incidents and other factors. Subsection (E) may require a licensee to maintain personnel in numbers higher than the ratios set forth in subsection (B). For example, if a licensee's statement of program provides for 1 on 1 supervision of children in care, DES expects the licensee to abide by the 1 on 1 ratio, rather than the fixed ratios set forth in subsection (B). Similarly, if a licensee has experienced an unusual pattern of runaways, it would be appropriate for the licensee to take extra measures (such as hiring additional staff) to provide a higher level of supervision.

DES believes that the ratios in subsection (B) will generally be sufficient to keep children safe, much like posted speed limits are generally adequate for traffic control. However, DES also recognizes that in certain circumstances, the ratios may not be adequate, much like a posted speed limit is not safe when weather conditions are hazardous. For these reasons, DES kept subsection (E).

R6-5-7438(D). Intake Assessment

ABR commented that requiring a comprehensive assessment within 7 days is burdensome. Until an agency has assessed a child, it does not know what problems and needs that child may have. It can take action that will be damaging rather than helpful. Thus, it is critical that someone in the agency (the rule does not specify who) assess the child quickly after intake so the agency can develop a program to meet the child's needs. In many cases, a child will come to an agency with extensive documentation and assessments, requiring the licensee to do little or no further assessment. DES believes that the need for the information outweighs any potential burden.

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R6-5-7439. Information Provided to the Placing Agency or Person

ABR commented that DES has infringed on licensees' contracts with placing agencies by dictating what information the licensee must provide the placing agency or person. For the reasons explained below in the Section on Jesus Cares Ministries and religious practices, DES thinks the disclosures required by this rule are critical to an informed placement decision. Before placing a child at a facility, the placing agency or person needs to have a good understanding of the program and whether it will meet the needs of the particular child.

R6-5-7441. Service Plans

ABR suggested changing the term "issues" to "problems" because "problems" has a negative connotation. DES thinks "issues" is too vague. Children typically don't enter these facilities unless they have problems.

R6-5-7442(B). Discharge Summary

ABR thinks it is unreasonable to require a discharge summary within 15 days. The goal of this rule is to have information available to the person who assumes responsibility for the child and to have a record that will quickly follow the child. Most of the information is information that should already be readily available in the child's record and should not be difficult to include in the summary. If a licensee such as ABR contracts with placing agencies that uniformly request a discharge summary within 30 days, ABR can seek, and should be able to get, permission for an alternative method of compliance.

R6-5-7444. Uniforms

ABR suggests striking the rule that requires licensees to explain to a child any limitations on dress or other displays. ABR contends that the rule shows DES's opposition to uniforms. The rule does not prohibit licensees from imposing a dress code or requiring uniforms so long as the code is part of the licensee's program and explained in the licensee's program information. Indeed, DES expects that all licensees will impose some form of restraint. For example, most licensees prohibit children from wearing clothes with profane language.

As noted above, many of the children in these facilities are abused and neglected children who have been subjected to depersonalizing treatment. These children are removed from their homes and placed in an unfamiliar setting. The goal of this rule is to minimize further depersonalization and allow children to exercise some individual freedom in the area of dress and display of personal belongings, unless such freedom is contrary to the licensee's program. If a child is to be subject to restraint in these areas, the licensee needs to make the limitations clear to the child.

R6-5-7445. Restitution

ABR commented that the restrictions on restitution interfere with its programmatic freedom. DES did not prohibit restitution. DES requires licensees to disclose their practices to placing agencies and persons. A placing agency or person may want to know that the allowance money sent to a child can be used to pay for damage to property. DES also requires licensees to tailor the restitution to fit the damage and prohibits licensees from charging a child \$5.00 to replace a broken pencil that cost 35 cents.

R6-5-7446(C). Nutrition

ABR expressed concern about the requirement that a licensee must meet a child's special nutritional needs. DES does not interpret "need" to mean "preference" and does not think the suggested additional language is necessary.

R6-5-7447. Sleeping Arrangements

ABR expressed concern about a rule limiting bedrooms to no more than 4 children. The rules do not contain this limitation. During the drafting process, the workgroup may have considered a "person per room" limitation, but chose to adopt the square footage limitations in R6-5-7461.

R6-5-7448. Inspection for Contraband

ABR is concerned that the rule will not allow it to withhold mail containing gang related information. The rules do not prohibit ABR from doing so. A licensee can define what is contraband at its facility.

R6-5-7449(F). Work Assignments

The rules allow licensees to have children perform work assignments if the assignments provide instructional experience and do not interfere with certain other activities. ABR commented that the phrase "instructional experience" should be amended to add the phrase "including the development of a strong work ethic." DES agrees that developing a work ethic is an appropriate reason for having a child perform a work assignment. DES did not use the specific text because it appears unnecessary and within the scope of the existing language. DES was concerned about singling out 1 specific instructional goal without listing all goals.

R6-5-7452(C). Dental Exams

ABR commented that the requirement for dental exams within 60 days will place an excessive financial burden on agencies. The rule actually requires the licensee to arrange for the exam within 60 days. If an agency has tried to get an appointment and cannot get the appointment scheduled until the 75th day, DES will not find the agency in violation.

The rule is also unlikely to cause any significant financial burden. The rule does not require the agency to pay for an exam, but to arrange for the child to receive any prescribed care "in cooperation with the placing agency or person." This requirement places the

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burden on the licensee to make appropriate financial arrangements with the placing agency or person to cover the costs. DES bears the dental expenses of dependent children in care through the Comprehensive Medical and Dental Program.

R6-5-7456. Behavior Management

The behavior management rule prohibits certain conduct (such as abuse) and limits the use of other conduct (such as physical exercises).

Prohibited Conduct: ABR commented that verbal abuse, ridicule, and humiliation are subjective, but does not offer any alternative language for this rule. Child welfare agencies that receive dependent, and even delinquent children, for care and maintenance should not be allowed to further damage the child's self-esteem, or threaten the child with conduct that is prohibited. This rule is similar to a DHS behavioral health rule. See A.A.C. R9-21-203(A)(4).

ABR also suggests that seclusion should be allowed. Seclusion is defined to exclude supervised "time out" periods. Seclusion, as defined in these rules, is an activity that only a licensed behavioral health service agency can use. See A.A.C. R9-21-204. This restriction was included at the request of the Administrative Office of the Courts (AOC) which places children with both child welfare agencies and behavioral health agencies. AOC thought the rules needed to clearly explain that child welfare agencies cannot place children in locked seclusion.

Restricted Conduct: ABR also commented that use of physical exercise should not be a restricted behavior management technique. It is common knowledge that children can suffer serious physical injuries or even death from strenuous physical exercises if not physically fit enough to do the activity, or if not properly supervised and given adequate fluids.

A licensee may use a restricted behavior management technique when the technique is: (1) consistent with the type of program the licensee operates (which is true for ABR's highly structured program serving predominately delinquent youth); (2) described in the agency's behavior management policy (which ABR can easily do); and (3) used consistently with other rules. Use of strenuous physical exercise as a behavior management technique is subject to additional restrictions. The child's participation must be included in a child's service plan and imposed as part of a regular conditioning program. A physician must declare the child fit to participate. Staff must observe the child while the child is exercising. DES believes the restrictions are reasonable and needed to protect children's health and safety.

ABR also complains about group discipline. As noted above, this practice is limited, not forbidden. An agency is free to use positive peer interaction or guided group interaction. The rules do prohibit agencies from allowing children to discipline other children. DES believes that discipline should be the responsibility of adults properly trained in how to use discipline effectively.

Physical Restraint: ABR suggests that an agency should be allowed to use physical restraint not only when a child is a danger to self or others but also when the child "disrupts the therapeutic environment." This issue was discussed extensively in the workgroup that developed the rules. Also discussed was the issue of whether physical restraint is appropriate when a child is a danger to property. After extensive debate, the workgroup chose the position reflected in the rules. The workgroup discussed the fact that child welfare agencies, unlike behavioral health agencies, do not have a "therapeutic environment."

R6-5-7459(D). Window Screens

ABR commented on the requirement that windows used for outside ventilation must be screened; ABR thinks screens will be too costly for some providers. DES believes screens are needed to keep out flies and other pests. The requirement applies only to windows used for outside ventilation. Windows that are permanently closed, or used only for emergency exit, do not require screens.

R6-5-7465(E). Lead Paint

ABR expressed concern about a prohibition against lead paint. The rule says that a licensee cannot surface walls and other items with lead paint. If a wall or item is painted with lead paint, a licensee is not required to remove it; the licensee simply needs to paint over it with a lead-free paint and ensure that the lead paint is not exposed. Only facilities housing young children or children at risk of consuming paint from a surface must maintain a facility that is free of lead paint and would be subject to the expense of removal. DES believes that the risk to children's health from consumption of lead outweighs the burden of expense to the licensee. Moreover, because the hazards of lead paint have been well-known for some time, DES believes that no provider will be subject to this expense.

R6-5-7466. Swimming Pools

ABR expressed concern about fencing pools that are contained in separate buildings. DES addressed this through subsection (C) of the rule which excludes from the fencing requirement a pool enclosed by a lockable building.

R6-5-7467(D). Outdoor Experience Programs

ABR commented that DES improperly changed the definition of mobile programs (which are currently governed by Article 73) by adding a provision that requires programs taking a child on an outing of more than 30 days to comply with mobile program rules. ABR suggests that the definition of mobile program should be revised through rulemaking on Article 73. As indicated in paragraph 4 of the notice of proposed rulemaking, DES included the mobile program rules from Article 73 in the rulemaking package, and renamed these programs "outdoor experience programs." DES opened a docket on Article 73 before filing the proposed rules.

ABR also commented that R6-5-7431 governing sleeping arrangements should include an exception allowing a licensee to use tents or sleeping trailers as sleeping quarters for children in satellite camps operating less than 12 months per year. DES is concerned that this exception would defeat the purpose of the rule to ensure that children have some measure of permanency, safety,

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and a place to call their own while in out-of-home placement. A licensee may use tents on camping trips of less than 30 days or if the licensee complies with the requirements for outdoor experience programs.

DES Records and Accountability

ABR commented that the rules should require DES to maintain separate files on various licensing activities. Currently, DES maintains this information in individual agency licensing files. ABR seeks separate files on the following activities: requests for an alternative method of compliance (R6-5-7415), monitoring of licensees (R6-5-7416), imposition and monitoring of corrective action plans (R6-5-7418), and provisional licenses (R6-5-7419). ABR claims that this information is necessary for them to be able to determine whether DES is engaged in discriminatory monitoring.

Unlike DES, which is required by statute to monitor the activities of agencies, ABR has no statutory mandate to monitor DES. Providers who participate in the Arizona Council of Centers for Children and Adults ("ACCCA"), a trade association, have informed DES that the information ABR seeks is readily available through the informal exchange of information that occurs through ACCCA.

The issues of public records and how an agency must maintain them are governed by the state public records law. A.R.S. § 39-101 et seq. How an agency files records is left to the agency to best manage in accordance with the resources available to it. DES lacks the resources to maintain records in the way that ABR suggests.

Institutions for Unwed Mothers and Their Children; Jesus Cares Ministries

Jesus Cares Ministries asked DES to modify the rule definition of "Institution for unmarried mothers and their children" by exempting from the definition, any institution that is a charitable organization incorporated under Section 501(c)(3) of the Internal Revenue Code and does not accept compensation from the state or any political subdivision. DES did not add this language because it would create an exemption not allowed by statute. A.R.S. § 8-503(A) and 8-505 require DES to license child welfare agencies. Child welfare agencies fit into 3 categories; 1 category is "any institution that provides care for unmarried mothers and their children." A.R.S. § 8-501(A)(1)(a)(ii). This language does not provide an exception based on tax status or source of funding. The definition contains numerous exceptions. See A.R.S. § 8-501(A)(1) (b). However, the requested exception is not among them. DES believes that the Legislature will take steps to resolve the issues in statute.

The rules do not limit an agency from exercising its religious freedom. On its application for licensure an agency must describe its "religious practices, if any." R6-5-7405(A)(5)(c)(vi). An agency must also have a written statement describing its "philosophy, purpose, and program," (R6-5-7423(A)), as well as any religious orientation. R6-5-7451(A). The licensee must disclose this information to agencies or persons considering placement of a child. R6-5-7439(A)(1). The licensee must also disclose "any religious practices observed by the licensee or religious observances required of children." R6-5-7439(A)(7); R6-5-7451(A)(2). The goal of these rules is to ensure that placing agencies and persons are fully informed about the licensee's program. If a licensee requires daily worship or meditation, or requires attendance at chapel or temple, the placing agency or person will know this in advance and act on the information by not placing a child in a licensed facility that compels observation of religious practices contrary to those of a child or the child's parent.

Once a child is placed, however, the licensee must "provide opportunities for the child to participate in religious activities in accordance with the faith of the child or the child's parent or guardian." R6-5-7451(A)(4). A licensee can encourage children to participate in religious activities, but "shall not require children to participate unless otherwise provided in the licensee's statement of purpose and program description." R6-5-7451(C) Most of the children in these facilities are dependent children who have been temporarily removed from their parents. The placement goal for many children is family reunification. It would be in disregard of the child and parents' religious freedom to compel the child to engage in religious activities that violate the beliefs of the child or the child's family. DES believes that these rules strike an appropriate balance between the competing rights of agencies, children in care, and the families of these children.

11. **Any other matters prescribed by statute that are applicable to the specific agency or to any specific agency or to any specific rule or class of rules.**
Not applicable.
12. **Incorporations by reference and their locations in the rules:**
Not applicable.
13. **Was this rule previously adopted as an emergency rule?**
Not applicable
14. **The full text of the rules follows:**

TITLE 6. ECONOMIC SECURITY

CHAPTER 5. DEPARTMENT OF ECONOMIC SECURITY

SOCIAL SERVICES

ARTICLE 73. MOBILE PROGRAM AGENCY LICENSING STANDARDS

- R6-5-7301. Definitions
- R6-5-7302. Licensing
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- R6-5-7304. Personnel
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ARTICLE 74. GROUP CARE AGENCY LICENSING STANDARDS

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- R6-5-7411. Special Requirements for the Care of Handicapped Children
- R6-5-7411. Application for Renewal of License and Operating Certificates
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- R6-5-7446. Nutrition, Menus, and Food Service
- R6-5-7447. Sleeping Arrangements
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- R6-5-7449. Educational and Vocational Services; Work Assignments
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- R6-5-7458. Buildings; Grounds; Water Supply
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- R6-5-7460. Kitchens; Food Preparation; and Dining Areas
- R6-5-7461. Sleeping Areas and Furnishings
- R6-5-7462. Bathrooms
- R6-5-7463. Other Facility Space; Staff Quarters
- R6-5-7464. Fire, Emergency, and Fire Prevention
- R6-5-7465. General Safety
- R6-5-7466. Swimming Areas
- R6-5-7467. Access; Transportation; Outings
- R6-5-7468. Special Provisions for Shelter Care Facilities
- R6-5-7469. Special Provisions and Exemptions for Outdoor Experience Programs

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~~R6-5-7307, R6-5-7470, Mobile program planning Planning Requirements for Outdoor Experience Programs~~
~~R6-5-7308, R6-5-7471, Special Physical environment and safety Environment and Safety Requirements for Outdoor Experience Programs~~

Appendix 1

ARTICLE 73. MOBILE PROGRAM AGENCY LICENSING STANDARDS

R6-5-7301. Definitions

In this Article, unless the context otherwise requires:

1. "Administrator" means the person responsible for overall administration of the mobile program agency as designated by the agency.
2. "Adult" means any person 18 years of age or older.
3. "Agency" means mobile program agency.
4. "Authorized representative" means Human Services Workers or Developmental Disability Workers of the Department, qualified staff of licensed child placing agencies, and Juvenile Probation Officers.
5. "Child" means any person under 18 years of age.
6. "Child placing agency" means any private or public child welfare agency which is authorized by license or by law to place children for 24-hour residential care.
7. "Department" means the Arizona State Department of Economic Security.
8. "Foster care" means a social service which, for a planned period, provides substitute care for children when their families cannot care for them for a temporary or extended period of time. Foster care may be in a private family home, a group home, a group care agency, or a mobile program agency.
9. "Foster child" means a child placed in a foster home, a group home, a group care agency or a mobile program agency.
10. "Governing body" means a person or persons with the ultimate responsibility for conducting the affairs of any mobile program agency.
11. "Handicapped child" means a child who is determined by a multi-disciplinary evaluation to be either mentally retarded, developmentally disabled, physically handicapped, or emotionally handicapped.
12. "Mobile program agency" means:
 - a. A child welfare agency or institution maintained by a person, firm, corporation, association or organization to receive children for 24-hour-a-day care and maintenance and which is situated in and utilizes the outdoors to provide a recreational and educational opportunity in group living within a mobile program within the state of Arizona.
 - b. Excluded from this definition are:
 - i. Any state-operated institution or facility.
 - ii. Any detention home for children established by law.
 - iii. Camps operating less than 12 months per year.
 - iv. Boarding schools that board children on a regular school year basis and where the child is off the grounds for at least 60 days.
 - v. Licensed group care agencies.
 - vi. Any foster home, group foster home, or adoptive home certified or approved by the Department wherein children accepted for care are placed by a licensed child placing agency.
 - vii. Licensed child placing agencies.
13. "Parent or parents" means the natural or adoptive parents of the child.

14. "Passive physical restraint" means the least amount of direct physical contact required on the part of a staff member to prevent a child from harming himself/herself or others.
15. "Provisional license" means a temporary, legal authorization to operate a mobile program agency, issued by the Arizona Department of Economic Security for a period not to exceed 6 months; a provisional license is issued to a new agency or to an existing agency that is temporarily unable to conform to all licensing standards and where the deficiencies are readily correctable and not potentially injurious to the health or safety or welfare of a child and the agency agrees to correct the deficiency or deficiencies. A provisional license is not renewable.
16. "Regular license" means a legal authorization to operate a mobile program agency, issued by the Arizona Department of Economic Security; a regular license, which may be issued following a provisional license, is valid for 1 year from the date of issuance and may be renewed annually.
17. "Program strategy" means an orientation or set of clinical techniques conforming to a particular therapeutic model designated by the agency and approved by the Department and used to meet an assessed need of a child in care over and above the provisions of basic care.

R6-5-7302. Licensing

- A. Required licensing. Every child welfare agency, whether operating for profit or without profit, which shall conduct or manage a mobile program agency shall obtain a license to operate a mobile program agency.
- B. Application. Individuals, associations, institutions or corporations, whether operating for profit or without profit, which wish to conduct or manage an agency shall make written application for a license to the Department on forms provided by the Department. The application shall include a written description of the services to be provided, including a written description of the program strategy to be used covering the following areas:
 1. Therapeutic models;
 2. Techniques involved;
 3. Goals of each technique; and
 4. Persons who shall administer treatment and their education and/or experience.
- C. Demonstration of need. Prior to licensing, the applicant agency shall provide evidence that there is a need for the proposed services. Evidence of need shall consist of:
 1. Communications from child placing agencies concerning the need for the specific planned services of the agency; or
 2. Recent research data establishing gaps in services available and the need to provide such services.
- D. Licensing documentation. The agency shall provide the licensing department with documentation and other evidence of the potential and actual ability of the agency to provide care and services to children according to the standards prescribed in this Article.
 1. Inspections and interviews. The agency shall allow the licensing department to inspect all aspects of a program's functioning which impact on children and to interview any staff member of the agency or any child in care of the agency.
 2. Access to information. The agency shall make any information which the agency is required to have under these standards and information available to the licensing department.

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- E.** ~~Provisional license. An agency that is temporarily unable to conform to all licensing standards, and where the deficiencies are readily correctable and not potentially injurious to the safety or welfare of the children, and if the agency agrees to correct the deficiencies, shall receive a provisional license.~~
1. ~~Expiration date. A provisional license is valid for up to 6 months and shall not be renewed.~~
 2. ~~Eligibility for a regular license. The agency shall comply with all licensing standards prior to the expiration of the provisional license in order to receive a regular license.~~
- F.** ~~Regular license. The agency shall meet all of the standards in this Article prior to the issuance of a regular license. A regular license shall expire 1 year from the date of issuance.~~
- G.** ~~License renewal. An application for the renewal of a license for an agency shall be made in the same manner as the original application. A licensee shall reapply when:~~
1. ~~The present license will expire within 30 to 60 days;~~
 2. ~~There is a change in the ownership of the agency, that is, ownership of 51% or more of the assets or stock of the agency changes.~~
- H.** ~~License amendments. The agency desiring a change in the agency name, address, number of children in care, age or sex of children in care, area served, type of program provided or addition or deletion of program locations shall provide a written request for a license amendment to the licensing department prior to making the change.~~
- I.** ~~Waiver of specific standards. The agency shall comply with the licensing standards unless a waiver for specific requirement(s) has been granted through a prior written agreement with the licensing department. This agreement shall specify the particular requirement(s) to be waived, the duration of the waiver, and the terms under which waiver is granted. Unless terminated earlier, waivers shall continue for the duration of the license and are renewable.~~
1. ~~Achievement of intent. Waiver of specific requirements shall be granted only when the agency has documented that the intent of the specific requirement(s) to be waived will be satisfactorily achieved in a manner other than that prescribed by the requirement(s) and not adverse to best interests of children placed there.~~
 2. ~~Review of waiver. The waiver agreement shall contain provisions for review of the waiver.~~
 3. ~~Waiver cancellation. When the agency fails to comply with the waiver agreement, the agreement shall be subject to immediate cancellation.~~
- J.** ~~Denial, suspension or revocation of license. The denial, suspension or revocation of a license shall be in compliance with A.R.S. §§ 8-506 and Title 6, Chapter 5, Article 24 of the Arizona Official Compilation of Administrative Rules and Regulations. The Department shall deny, suspend or revoke any license when:~~
1. ~~The agency is not in compliance with the licensing standards of the Department, Arizona state or federal statutes, city or county ordinances or codes.~~
 2. ~~The applicant or agency refuses to cooperate in providing information necessary to determine whether these standards have been met.~~
 3. ~~There is a material misrepresentation or willful failure to disclose pertinent information by an agency director or employee to the Department relating to the services available, or services provided to children in care, or relating to the physical, sexual or emotional abuse of children in care.~~
 4. ~~The physical and/or emotional needs of children are not met.~~
 5. ~~The agency fails to follow the agency service plan, which was approved by the Department.~~
- R6-5-7303. Administration and organization**
- A.** ~~Type of organization. The mobile program agency may operate as a private agency under a proprietary arrangement or may be operated as a profit or nonprofit corporation.~~
- B.** ~~Incorporation~~
1. ~~The mobile program agency may incorporate as a non-profit or profit corporation under the laws of Arizona through the Arizona Corporation Commission.~~
 2. ~~The agency shall provide the Department with a copy of the articles of incorporation and bylaws and the Certificate of Incorporation issued by the Arizona Corporation Commission.~~
- C.** ~~Governing body~~
1. ~~The mobile program agency shall have a governing body which is responsible for and has authority over the policies of the agency.~~
 2. ~~The governing body shall be responsible for the agency's continual licensing compliance and conformity with the terms of all leases, contracts or other legal agreements to which the agency is a party.~~
 3. ~~The governing body shall be responsible for the agency's continual compliance and conformity with all relevant laws and/or regulations, whether federal, state, local or municipal, governing the operation of the agency.~~
 4. ~~The governing body shall designate a person to act as an administrator of the agency and shall delegate authority to such person to manage the affairs of the agency effectively.~~
 5. ~~The governing body shall evaluate the performance of the administrator at least annually concerning conformance with the written operating policies, all relevant laws and regulations, and the policies defined by the governing body.~~
 6. ~~The governing body shall ensure that the agency is housed, maintained, staffed, and equipped in such a manner as to implement the program of the agency effectively.~~
 7. ~~The governing body shall be responsible for adequate funding and fiscal soundness of the agency. The governing body shall be responsible for:~~
 - a. ~~The review and approval of the agency's annual budget.~~
 - b. ~~The review and approval of a complete annual audit completed by an independent auditor.~~
 8. ~~The governing body shall in consultation with the administrator formulate and periodically review written policies concerning:~~
 - a. ~~The agency's goals and current services.~~
 - b. ~~Personnel practices and job descriptions.~~
 - c. ~~Fiscal management.~~
 9. ~~The governing body shall ensure that the agency has written policies and procedures to carry out ongoing evaluation of the services it offers and compile a written report of such evaluation every 3 years.~~
 10. ~~The governing body shall notify the licensing department and all placing agencies with children in care prior to making any substantial alteration in the program described in the agency operations manual and shall meet with representatives of the licensing department when asked to do so.~~
 11. ~~A governing body member of the mobile program agency may not be an employee of a public agency which regulates or purchases the service of the agency.~~

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12. The agency shall provide the licensing department with a current list of all governing body members, their addresses, offices held, and terms of membership. All changes in composition shall be reported to the Department within 30 days.

D. Board of directors

1. All nonprofit agencies shall have a board of directors as a governing body. The agency shall provide the Department with a current list of all board members, their addresses, and offices held, and terms of membership. All changes in board composition shall be reported to the Department in writing within 30 days.
2. The responsibilities of the board of directors of the agency shall be clearly defined.
3. The board of directors shall have written policies of its own operations, including criteria of selection, rotation and frequency of meetings.
4. The agency shall have written minutes of all meetings of the board of directors of the agency.
5. The board of directors shall meet at least quarterly. Its executive committee shall meet as needed.
6. Each member of the board of directors shall be appointed for a definite term of office. Provision shall be made for the rotation of board membership on an overlapping basis. Provision shall be made for the removal of any board member by the board acting as a whole.
7. The board of directors shall be broadly representative of the community in which the agency is located.

E. Fiscal management

1. Funding. A new agency shall furnish evidence that it has sufficient funds to pay all start-up costs, as well as a plan to pay operating costs through the first year of operation.
2. Budget and financial reports
 - a. The agency shall operate on a budget which has been approved by its governing body before the beginning of the fiscal year. The current budget of the agency shall reflect sufficient funds to pay the costs of the program.
 - b. The agency must maintain financial records of all receipts, disbursements, assets, and liabilities. These records shall be available for inspection by Department representatives. Records shall be retained for 3 years unless these records are involved in an audit; and in this contingency, records shall be retained until the audit is completed.
3. Accounting procedures. The agency which receives public funds directly or indirectly for the cost of services provided under these regulations shall:
 - a. Meet generally accepted accounting principles of fiscal accountability of public funds.
 - b. Annually submit to the Department a complete audit by an independent certified public accountant or a public accountant. The auditor shall not be an employee of the agency nor a member of the board of directors.
 - c. Provide an annual proposed service delivery plan.
 - d. Furnish the Department fiscal information, books, records, and accounts pertaining to services paid for under these regulations as requested by the Department.
 - e. Have written purchase of service agreements involving professional services to children in care. Purchase of service agreements shall contain terms and conditions required to define the clients to be served, the services to be provided, and the procedures for payment.

- f. Have copies of all leases into which the agency has entered. These leases shall include the location of the property involved, the monthly or annual rent, the ownership of the property, the usable square footage or acreage and the term of the lease. A copy of the lease shall be maintained during the time that the agency occupies the property.

- g. Provide the Department a current report detailing the nature and extent of the financial interest and identity of any member of its governing body, any staff member or member of the immediate family of either a staff member or member of its governing body, who has any financial interest in any property rented by the agency.

4. Insurance. The agency shall carry insurance covering fire and liability as protection for children in care sufficient in amount in the event the agency is found liable for any injuries incurred by children in its care. In addition, the agency shall have insurance which covers liability to third parties or children in care arising through the use of any vehicle, watercraft, or animal used for transportation whether owned or not owned by the agency, used by any of the agency's staff or agents on the agency's business.

F. Operations manual

1. The agency shall have a written operations manual which shall include:
 - a. A statement of the agency's purpose, philosophy, and program, describing both short and long term aims. The statement shall identify the types of services provided and the characteristics of the children to be served by the program.
 - b. The agency's provision for the assessment and evaluation procedures used in treatment planning and delivery.
 - c. A program description which clearly indicates the services which are provided directly by the agency and those which will be provided in cooperation with community resources. If the agency administers several programs at different geographical sites, appropriate resources shall be identified for each site.
 - d. A chart of organizational structure.
 - e. The agency's intake and discharge policies and procedures.
 - f. The agency's articles of incorporation and bylaws.
 - g. The agency's personnel policies and practices.
 - h. The agency's staff training policies and procedures.
 - i. The operational procedures which guide the delivery of the agency's services including provisions for confidentiality.
 - j. The operational procedures which guide the delivery of the agency's program activities including staffing requirements, safety and emergency procedures.
 - k. The agency's policy on children's rights and grievance procedures.
 - l. The agency's policies and practices regarding discipline and restraint of children in care.
 - m. Copies of the forms used by the agency.
2. The operations manual shall be available to all agency staff members, and all staff members shall be familiar with its contents.
3. The operations manual shall be available to the public on request.

- G. Interstate compact.** The agency shall notify and receive authorization from the Interstate Compact on Juveniles and the

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~~Interstate Compact on the Placement of Children prior to accepting any child from another state.~~

H. Fund raising and publicity

- ~~1. The agency shall obtain the written informed consent of a child and the parent or agency who placed the child prior to involving the child in any activity related to fund raising or publicity for the agency, including descriptions of types of fund raising and/or publicity activities the consent covers.~~
- ~~2. The agency shall have written policies and procedures regarding the photographing, and audio or audio-visual recordings of children in care which incorporate these requirements:~~
 - ~~a. The written informed consent of a child and the parent or agency who placed the child shall be obtained before the child is photographed or recorded for research or program publicity purposes.~~
 - ~~b. All photographs and recordings shall be used in a manner which respects the dignity and confidentiality of the child.~~

I. Personnel records

- ~~1. Content. The agency shall have a personnel file for each employee. The file shall contain:~~
 - ~~a. The application for employment or resume;~~
 - ~~b. Reference letters from former employer(s), and personal references, or notes on reference interviews;~~
 - ~~c. Required medical examination reports;~~
 - ~~d. Documentation and date of fingerprint clearance;~~
 - ~~e. A record of the expiration date and number of the employee's driver's or chauffeur's license, if the employee transports children;~~
 - ~~f. Applicable professional credentials/certifications;~~
 - ~~g. Periodic performance evaluations;~~
 - ~~h. Personnel actions, other appropriate materials, reports and notes relating to the individual's employment with the agency;~~
 - ~~i. Employee's starting and termination dates and reason for termination;~~
 - ~~j. Documentation of training received.~~
- ~~2. Employee access. The employee shall have reasonable access to his/her file and shall be allowed to add any written statement he/she wishes to make to the file at any time.~~
- ~~3. Record retention. The agency shall maintain the personnel file of an employee for a period of at least 5 years after termination of employment.~~

J. Children's records

- ~~1. Children's records shall be kept in a locked, fire-resistant file in an area not frequented by the children. Children's records carried on mobile programs in transit shall be secured in a locked container away from areas frequented by the children.~~
- ~~2. The agency shall have written procedures for the maintenance and security of children's records specifying who shall supervise the maintenance of records, who shall have custody of records, and to whom records may be released. Access to records shall be limited to appropriate staff, placing agency representatives, and licensing personnel who have need for the data. The procedures shall be approved by the Department.~~
- ~~3. Records shall be the responsibility of the agency and the agency, as custodian, shall secure records against loss, tampering or unauthorized use.~~
- ~~4. The agency shall maintain up-to-date, confidential case records. Each child's record shall indicate from the point~~

~~of admission to discharge, the service plan and the progress of the child.~~

- ~~a. The records shall include the current information needed to provide services, make plans, and evaluate each child;~~
- ~~b. The case record shall be divided into sections for easy reference and shall include the following material:~~
 - ~~i. Identifying information about the child.~~
 - ~~ii. Legal status of the child.~~
 - ~~iii. Intake and annual medical examination reports.~~
 - ~~iv. Record of dates and types of family contacts.~~
 - ~~v. Individual service plans.~~
 - ~~vi. Quarterly progress reports.~~
 - ~~vii. School report cards for children attending school and, if the child is enrolled in special education, an individual educational plan (IEP).~~
 - ~~viii. Copies of letters received or sent concerning the child.~~
 - ~~ix. Reports of incidents as delineated in this Article.~~
 - ~~x. Date of discharge, reason for discharge, and the name, telephone number and address of the person or agency to whom the child was discharged.~~

K. Confidentiality

- ~~1. Without the voluntary, written informed consent of the parent(s) or guardian, the agency shall not release any information concerning a child in care except to the child, the child's parent(s) or guardian, their respective legal counsel, the court or statutorily authorized professional person in the performance of his/her mandated duties.~~
- ~~2. The agency may use material from case records for teaching or research purposes, development of the governing body's understanding and knowledge of the agency's services or similar educational purposes, provided that names are deleted and other identifying information is disguised or deleted.~~

R6-5-7304. Personnel

A. Employment practices

- 1. Applicant screening**
 - ~~a. The agency shall employ an individual only after evaluation of the applicant which shall include evaluation of documentation as to skills, knowledge, and character.~~
 - ~~b. The agency shall not knowingly employ any employee who has been convicted of, or found by, a court to have committed, a sex offense, a drug related offense, a violence related offense, child abuse, child neglect, or contributing to the delinquency of a minor, if there is reason to believe that the person may again commit any of the described offenses. Relevant factors to be considered include, but are not limited to, the following:~~
 - ~~i. The extent of the person's criminal record, if any;~~
 - ~~ii. The length of time which has elapsed since the offense occurred;~~
 - ~~iii. The nature of the offense;~~
 - ~~iv. The circumstances surrounding the offense;~~
 - ~~v. The degree of participation by the person in the offense;~~
 - ~~vi. The extent of rehabilitation of the person.~~
- ~~c. The agency shall require personal and prior work references before employing staff who will work~~

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- directly with the children. Written documentation shall be placed in the staff's personnel record.
2. ~~Age.~~ Each person employed by the agency shall be at least 18 years of age.

3. ~~Health of employees~~

- a. ~~Each staff member shall furnish the agency, on a form prescribed by the Department, a physical examination report by a physician prior to employment and at least every 3 years thereafter from the date of employment.~~
- b. ~~Physical examinations must demonstrate that the person has no communicable disease or other medical or emotional condition which would impair his ability to function in his job.~~
- c. ~~The agency administrator shall notify the Department and placing agency representatives when an individual working or residing in the agency contracts a disease or illness which may present a threat to the health of the children in care.~~
- d. ~~Any other person living with the children in care shall also furnish the agency, on a prescribed form, a examination report by a physician at least every 3 years.~~
- e. ~~All children of staff and of other persons living with the children in care shall have current immunizations as prescribed by the Arizona Department of Health Services in A.C.R.R. R9-6-117.~~

4. ~~Fingerprints.~~ All staff and any adults living with the children in care shall be fingerprinted and the fingerprints submitted to the Department for a criminal records check.

B. ~~Personnel policies~~

1. ~~Personnel manual.~~ The agency shall have written personnel policies. These policies shall be provided to all staff members and be available to all persons seeking employment. The policies shall include:
- a. ~~The conditions of employment and the conditions under which employees may be disciplined, suspended, laid off, or dismissed;~~
- b. ~~Salary scales;~~
- c. ~~Provision for sick leave, time off, and paid vacation;~~
- d. ~~Information regarding employment benefits, including retirement and insurance plans;~~
- e. ~~Provision for periodic assessment of work performance;~~
- f. ~~Provision for staff development through in-service training;~~
- g. ~~A grievance procedure for employees.~~
2. ~~Job descriptions.~~ The agency shall have written job descriptions covering all positions within the agency which delineate lines of authority. Each employee shall be given his/her job description and shall have access to all other job descriptions.
3. ~~Work schedules.~~ The agency shall schedule hours of work for child care staff which are in a set routine. Work schedules shall be provided at least a week in advance.

C. ~~Staff training~~

1. ~~Orientation for new staff.~~ Newly hired program staff shall have 20 hours of orientation prior to assuming normal duties.
2. ~~Orientation content.~~ New staff orientation shall include a minimum of the following:
- a. ~~An understanding of the agency's operational procedures including review of the operations manual;~~
- b. ~~A knowledge of job responsibilities of all staff;~~
- c. ~~The procedures to be followed for fire, medical, and other emergencies;~~

- d. ~~An introduction to the use of crisis intervention techniques;~~
- e. ~~An understanding of the agency's rules and disciplinary procedures;~~
- f. ~~The agency's procedures to be followed for grievances and appeals;~~
- g. ~~The agency's policies and procedures governing the administration of medicine and drugs.~~

New staff orientation may include work with the children under the direct supervision of experienced program staff.

3. ~~Training.~~ All program staff including supervisors shall participate in a regularly scheduled, on-going program of training consisting of a minimum of 40 hours per year. This training may include formal in-service training, academic programs, and participation in conferences, institutes, and workshops, but may not include the 20 hours of orientation required in paragraph (1) of this subsection.
4. ~~Training content.~~ During the first year of employment, except for new program staff who can demonstrate previous equivalent training, the required 40 hours of training shall include but not necessarily be limited to, the following:
- a. ~~Instruction in the basic principles of child development and psychology, including program strategies;~~
- b. ~~Instruction in emergency medical procedures including first aid cardiopulmonary resuscitation (CPR);~~
- c. ~~Instruction in crisis intervention, crisis management and passive physical restraint techniques;~~
- d. ~~Instruction in juvenile law, the rights of children, and the rights of parents of children in placement;~~
- e. ~~Basic safety practices in child care.~~
5. ~~Annual requirements.~~ The required 40 hours of training shall include refresher training in passive physical restraint, first aid, CPR and safety practices once every year.

D. ~~Services provided by non-agency personnel~~

1. ~~Services required.~~ The agency shall obtain services necessary for the implementation of the individual service plan of a child if such services are not available from employees of the agency.
- a. ~~The agency shall ensure that the person providing a direct service to a child in care communicates with agency staff the nature of the service provided.~~
- b. ~~The agency shall provide a copy of the service plan to all providers of services.~~
2. ~~Qualifications of service providers.~~ Professionals providing services to the agency, whether working directly with children in care or providing consultation to employees of the agency, shall be qualified, certified and/or licensed as appropriate to the nature of the service.

E. ~~Use of volunteers.~~ The agency which utilizes volunteers shall have a written plan for using such volunteers. This plan shall be given to all such volunteers. The plan shall indicate that all such volunteers shall:

1. ~~Be directly supervised by a paid staff member who has responsibility for the delivery of services provided by the volunteer;~~
2. ~~Be oriented and trained in the philosophy of the agency and the needs of children in care, and methods of meeting those needs;~~
3. ~~Be subject to character and reference checks similar to those performed for employment applicants;~~
4. ~~Be aware of and have input into the service plans for children they are working with directly and be briefed on any special needs or problems of these children.~~

F. ~~Student field placements/internships~~

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1. Field placement policies. The agency which accepts students for field placements shall have a written policy on student placements. Copies shall be provided to each student and his/her school. The policy shall include:
 - a. Statement of the purpose of a student's involvement with the agency and the student's role and responsibilities;
 - b. A description of orientation, training procedures and supervision provided while the student is placed at the agency.
 2. Student criteria. The agency shall require students to meet all of the criteria established by the agency for volunteer service.
 3. Supervision of students. The agency shall provide direct supervision by an appropriate paid staff member.
- G. Staff responsibilities, qualifications, and ratios
1. Staff functions. The agency shall employ a sufficient number of qualified staff and delegate sufficient authority to such staff to carry out the responsibilities it undertakes.
 2. Professional staff licensing/certification. The agency shall employ only persons who are certified and/or licensed when there is a legal requirement for certification or licensure.
 3. Minimum qualifications. All persons hired by the agency shall meet the minimum qualifications specified in this subsection.
 4. Child-staff ratios
 - a. The agency shall meet the minimum child-staff ratio for the staff positions described in this subsection as set forth below.
 - b. The agency shall not consider volunteers or student interns when determining the minimum child-staff ratio requirements.
 5. Administrator
 - a. Responsibilities.
 - i. The administrator shall be responsible for the overall business and program management. He/she shall administer the affairs of the agency according to the required standards, prescribed herein, and according to official policies of the agency which are not in conflict with these standards.
 - ii. The administrator shall not assume duties which interfere with the administrator's responsibilities in conducting the program.
 - iii. The administrator shall designate person who is delegated the power to assume responsibilities in absence of the Administrator.
 - b. Qualifications.
 - i. A bachelor's degree from an accredited college or university and a minimum of 5 years of experience in the human service, criminal or juvenile justice, mental health or health care field, at least 3 of which shall have been in a supervisory or administrative position; or
 - ii. A master's degree in social work, criminal justice, psychology, or a related field and a minimum of 3 years' experience in human service, criminal or juvenile justice, mental health or health care, at least 2 of which shall have been in an administrative or supervisory position.
 - iii. In programs with a separate clinical or social services director, an individual may substitute a master's degree in business administration, hospital or public administration for the educational requirements.
- e. Staffing. The administrator or the acting administrator shall administer the agency at all times and shall be readily accessible to assume administrative responsibilities.
6. Fiscal and clerical staff
 - a. Responsibilities. Fiscal and clerical staff shall maintain records and provide documentation as required in these standards.
 - b. Qualifications. Staff responsible for preparing and keeping fiscal and program records shall have training or experience in fiscal and in clerical work which meets the agency's minimum qualifications.
 - e. Staffing. The agency shall have fiscal and clerical staff sufficient to meet the minimum documentation and recordkeeping standards provided for in these standards.
7. Social services director
 - a. Responsibilities. The social services director shall have responsibility for the agency's casework and family services and shall be responsible for the implementation and operation of clinical portions of the program. The social services director shall supervise the development, implementation and modification of treatment plans and be responsible for the maintenance of adequate case records for each child in the agency.
 - b. Qualifications. The social services director shall have a minimum of a master's degree, from an accredited graduate school, in psychology, counseling, social work or a related field and 2 years of paid experience in the human services, criminal justice, juvenile justice or mental health field.
 - c. Staffing. The agency shall designate a staff member as social services director who meets the above qualifications.
8. Social workers
 - a. Responsibilities. The social worker shall be responsible for case plans and provide casework and therapeutic services. The social worker shall serve as liaison between the program and the community, and identify and secure the educational, vocational, and professional resources needed to successfully implement the case plan. Social workers shall have primary responsibility for the maintenance and compilation of up-to-date case records.
 - b. Qualifications. Social workers shall have a master's degree in social work, psychology, or a related field from an accredited college or university or a bachelor's degree in 1 of the above fields and 2 years of full-time paid experience in human services, criminal justice or mental health.
 - c. Staffing. Each social worker shall work with a maximum of 20 children and their families.
9. Caseworkers
 - a. Responsibilities. The caseworker shall be responsible for planning and coordinating services and resources for children and their families, serving as a liaison with the community, preparing treatment plans and progress reports, and maintaining up-to-date case records of children in care.
 - b. Qualifications. A caseworker shall have a bachelor's degree from an accredited 4-year college or university in social work, psychology or a related field, or a bachelor's degree from an accredited 4-year college or university and 1 year of experience in human services, criminal justice, or the mental health field.

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- c. ~~Staffing. The agency shall provide supervision of caseworkers by the social services director, or a social worker, and each caseworker shall work with a maximum of 20 children and their families.~~
- 10. ~~Psychiatrist~~
 - a. ~~Responsibilities. The psychiatrist shall be responsible for consultation to staff and therapy to clients as needed.~~
 - b. ~~Qualifications. Psychiatrists used by the agency shall be qualified and licensed to practice in Arizona.~~
 - c. ~~Staffing. The scope and extent of psychiatric services shall be determined by the nature, size, and make-up of the program.~~
- 11. ~~Psychologist~~
 - a. ~~Responsibilities. The staff psychologist or consultant shall provide testing and diagnosis of children's emotional, teaming and behavioral problems.~~
 - b. ~~Qualifications. Psychologists used by the agency shall be qualified and certified to practice in Arizona.~~
 - c. ~~Staffing. The scope and extent of psychological services shall be determined by the nature, size, and make-up of the program.~~
- 12. ~~Medical consultant~~
 - a. ~~Responsibilities. Reporting to the administrator, the medical consultant shall be responsible for reviewing medical policies of the agency and providing appropriate consultation, instruction, and education on health matters related to program activities.~~
 - b. ~~Qualifications. The medical consultant shall be a physician licensed to practice medicine in the state of Arizona.~~
 - c. ~~Staffing. The agency shall have a medical consultant, either full-time, part-time, or on a consulting basis, who carries out the responsibilities in (a) above.~~
- 13. ~~Nurse~~
 - a. ~~Responsibilities. The nurse shall be responsible for the implementation of the agency's program of preventive health and health care commensurate with the individual's status as a registered nurse or licensed practical nurse, under the direction of a physician.~~
 - b. ~~Qualifications. The nurse shall be licensed to practice in the state of Arizona as a registered nurse or practical nurse.~~
 - c. ~~Staffing. There shall be a minimum of 1 full-time nurse at each agency.~~
- 14. ~~Dentist~~
 - a. ~~Responsibilities. A dentist shall provide a comprehensive program of dental care.~~
 - b. ~~Qualifications. The dentist shall be licensed to practice in the state of Arizona.~~
 - c. ~~Staffing. The agency shall have a staff dentist or arrange for independent dental services, as needed.~~
- 15. ~~Child care director~~
 - a. ~~Responsibilities. The child care director shall be responsible for the child care staff, working with other program staff in the development of the daily living program and provision of necessary training for staff.~~
 - b. ~~Qualifications.~~
 - i. ~~A bachelor's degree and 1 year of paid experience in the human service, mental health or juvenile justice field; or~~
 - ii. ~~A high school diploma or its equivalent and a minimum of 3 years of paid experience in the human service, juvenile justice or mental health field.~~
- c. ~~Staffing. The agency with more than 20 children shall designate a qualified employee to carry out the duties of child care director, in addition to any other duties, or shall employ a qualified person to serve as child care director.~~
- 16. ~~Child care workers~~
 - a. ~~Responsibilities. The child care worker shall be responsible for daily care and supervision of the living group to which he/she is assigned and shall assist in the development of case plans for, and evaluation of children under his/her jurisdiction and shall participate on a regular basis in staffings and discharge planning.~~
 - b. ~~Qualifications. The child care worker shall show an ability to understand and communicate with children in group living and shall be willing to further develop their knowledge and skills in working with children. Child care workers shall have a high school diploma or its equivalent. Relief staff shall have the same qualifications as regularly assigned child care staff.~~
 - c. ~~Staffing. The number of child care staff shall be sufficient for the conditions, activities and population served. At a minimum, staff shall include 1 staff member to every 10 children during waking hours.~~
 - i. ~~The ratio of child care staff awake and on duty to children during sleeping hours shall be sufficient to provide for the safety and welfare for all children in care.~~
 - ii. ~~There shall be sufficient back-up staff persons on call at all times to provide assistance in case of emergencies.~~
 - iii. ~~Where there are non-ambulatory children present, there shall be no more than 6 children to 1 child care staff member for all hours, including sleeping hours.~~
- 17. ~~Program instructors~~
 - a. ~~Responsibilities. The program instructor shall coordinate, supervise or train children in specialized activities such as aquatics, diving, lifesaving, instructional swimming, recreational swimming, water skiing, skin diving, boating, river tripping, canoeing, rowing, sailing, crafts, bicycling, farming, horseback riding, hiking, outdoor living skills, physical fitness, snow and ice activities, archery, gymnastics, contact sports, backpacking, expedition travel and animal handling, or high risk activities such as scuba diving, mountaineering, rock climbing, caving, rappelling and riflery, and implement procedures as provided in the operations manual to insure the safety of all youth participating in these activities.~~
 - b. ~~Qualifications.~~
 - i. ~~The program instructor shall have skills specific to the activity as evidenced by:~~
 - (1) ~~Possession of current certification or~~
 - (2) ~~Specialized training within a 3-year period prior to instructing in a particular activity.~~
 - (3) ~~Letters of recommendation and statements of experience.~~
 - ii. ~~The program instructor shall hold current Cardiopulmonary Resuscitation and American Red~~

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- ~~Cross Standard First Aid Certification or its equivalent. Instructors shall have specialized first aid training designed to meet emergency needs which may relate to his/her specialized activity area. Instructors supervising aquatics, scuba diving, boating, river tripping, or other water activities shall be currently certified in Red Cross Advanced Lifesaving, YMCA Life saving or a lifeguard in Boy Scouts of America.~~
- c. ~~Staffing. There shall be no fewer than 1 qualified instructor for each 10 children participating in a specialized activity. The minimum instructor/child ratio for high risk or potentially dangerous activities shall be 2:10.~~
18. ~~Teachers~~
- a. ~~Responsibilities. Provide an education program equivalent to education provided in the public schools or a program of special education approved by the Department of Education, or a vocational education program.~~
- b. ~~Qualifications. The teacher shall be certified to teach by the state of Arizona.~~
- c. ~~Staffing. Staff/child ratio shall be determined by the need of the children in each class, and the requirements of the Department of Education.~~
19. ~~Dietitian or nutritionist~~
- a. ~~Responsibilities. The qualified nutritionist or dietitian shall supervise the food service program or provide consultation to food service staff on dietary policy, procedure, and preparation of menus and meals which provide the variety and amounts of food necessary to meet the "National Research Council's Recommended Daily Dietary Allowances" which is incorporated by reference in A.C.R.R. R9-10-925.~~
- b. ~~Qualifications. The dietitian or qualified nutritionist shall have received a bachelor's degree with major studies in Food and Nutrition from an accredited college or university and completed a dietetic internship or traineeship in an institution approved by the American Dietetic Association or shall have received a master's degree in nutrition or a related field.~~
- c. ~~Staffing. The nutritionist or dietitian either shall be on staff or shall be a consultant who provides quarterly consultation to the agency.~~
20. ~~Food service staff~~
- a. ~~Responsibilities. Food service staff shall plan menus, purchase and store food, prepare meals and clean and store cooking and eating utensils.~~
- b. ~~Qualifications. The food service staff shall meet any local health department qualifying standards and provide the agency with documentation of experience and/or training in preparing appetizing and nutritious meals in the quantity required by the agency.~~
21. ~~Maintenance staff~~
- a. ~~Responsibilities. Maintenance staff shall maintain clean physical facilities in good repair which shall not pose a danger to the health, safety or welfare of the children and which meet the standards of the Department of Health Services, the State Fire Marshal and the Department of Economic Security.~~
- b. ~~Qualifications. The agency shall document that maintenance staff have experience and/or training commensurate with their responsibilities.~~
- R6-5-7305. Admission and planning**
- A. Admission policies**
1. ~~The agency shall not accept more children than the number for which it has been licensed by the Department.~~
 2. ~~The agency may accept only children 8 years of age or over.~~
 3. ~~The agency shall have a written description of its admissions policy and criteria which shall include the following information:~~
 - a. ~~Intake policy and procedures;~~
 - b. ~~The age and sex of children in care;~~
 - c. ~~The needs or problems best addressed by the agency's program;~~
 - d. ~~Any other criteria for admission;~~
 - e. ~~Criteria for discharge;~~
 - f. ~~Any preplacement requirements for the child, the parent(s), guardian and/or the placing agency.~~
 4. ~~A copy of the admission policy shall be provided to placing agencies and to the parent(s) or guardian of any child referred for placement.~~
 5. ~~The agency shall not refuse admission to any child on the grounds of race, religion, or ethnic origin.~~
 6. ~~The agency shall not accept any child whose apparent needs cannot be adequately met by the agency's program.~~
 7. ~~When refusing admission to a child, the agency shall provide a written statement of the reason for refusal of admission to the referring child placing agency, or the parent(s) or guardian.~~
 8. ~~The agency shall provide reasonable opportunity for the child, the parent(s) or guardian, and the placing agency to participate in the admission process and decisions. If participation of the child's parent(s) or guardian is not possible, or not desirable, the reasons for exclusion of the parents or guardian shall be recorded in the admission study.~~
- B. Admission procedures**
1. ~~The agency shall accept a child into care only after a current intake evaluation including social, health and family history, and if appropriate, psychological and developmental assessment has been completed.~~
 2. ~~The agency shall, consistent with the child's maturity and ability to understand, make clear to the child its expectations for behavior and provide the child with an explanation of the agency's criteria for successful participation in and completion of the program.~~
 3. ~~The agency shall complete a written placement agreement. A copy of the agreement signed by all parties involved in its formulation shall be kept in the child's case record and a copy shall be provided to each of the signing parties. The signing parties shall include: the placing agency; the mobile program agency; the child; and when appropriate, the parent(s) or guardian. The placement agreement shall include:~~
 - a. ~~The child's and the parent's or guardian's expectations regarding: family contact and involvement; the goals of care; any specialized services to be provided; the religious orientation and practices of the child; and the anticipated discharge date and plan;~~
 - b. ~~The respective roles and responsibilities of all agencies and staff involved with the child and the family;~~
 - c. ~~Authorization to care for the child;~~
 - d. ~~Authorization to obtain medical care for the child;~~
 - e. ~~Arrangements regarding family visits, vacation, mail, gifts and telephone calls;~~
 - f. ~~Expected reports to, and meetings involving, the parent(s) or guardian and placing agency;~~

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- g. Expectation of parent or guardian attendance at meetings;
 - h. Provision for notification of parent(s) or guardian and/or the child placing agency in the event of unauthorized absences, medical or dental problems and significant events regarding the child.
- C. Child's entry into the program**
- 1. A physician or nurse shall check each child upon admission for illness, fever, rashes, bruises and injuries. The child shall be asked if he has any physical complaints. The results of this procedure shall be documented in the child's record.
 - 2. The agency shall assign a staff member to orient the child and the parent(s) or guardian, if they are available, to live at the agency.
- D. Individual service plan**
- 1. Within 30 days of admission, the agency shall conduct a comprehensive assessment of the child including the factors set forth in subparagraph (b) below and, on the basis of this assessment, shall develop a written, time-limited, goal-oriented, individual service plan for the child.
 - a. The assessment shall be conducted by a planning team. This team shall include persons responsible for implementing the service plan. At least 1 member of the team shall have a master's degree or doctorate in psychology, psychiatry, child care work, social work or a related field and experience in providing direct services in any of these fields to children.
 - b. The planning team shall assess the needs and strengths of the child in the following areas:
 - i. Health care;
 - ii. Education;
 - iii. Personal/social development;
 - iv. Family relationships;
 - v. Vocational training;
 - vi. Recreation;
 - vii. Life skills development.
 - 2. The agency shall provide an opportunity for the following persons to participate in the planning process:
 - a. The child, unless contraindicated by the child's emotional or physical condition;
 - b. His parent(s) or guardian, unless contraindicated by the emotional or physical condition of the child, the parent or the guardian;
 - c. Representative(s) of the placing agency;
 - d. School personnel;
 - e. Other persons who the agency determines to be significant in the child's life. If any of the above persons do not participate, the agency shall document its efforts to involve them. Reasons for contraindication also shall be documented.
 - 3. When possible, the agency shall explain the service plan and subsequent revisions to the child in care and his parent(s) or guardian.
 - 4. The service plan for each child shall include:
 - a. The findings of the assessment;
 - b. A statement of goals for the child and his family;
 - c. Strategies for fostering positive family relationships for the child with his family or guardian or for developing a permanent home for the child;
 - d. When appropriate, strategies for improving the child's behavior or relationships with others;
 - e. Specification of program activities, including education and recreation, to be utilized by the program staff and the child in order to attempt to achieve the stated goals.
- R6-5-7306. Services and child management**
- A. Services**
- 1. Agency service plan. The agency shall have a written overall service plan. Any significant change in this plan shall be submitted to the licensing agency prior to implementation. The written plan shall include the following:
 - a. The name, position and qualifications of the person who has overall responsibility for the program;
 - b. Staff responsibility for planning and implementation of program procedures and techniques;
 - c. The anticipated range or types of behavior or conditions for which such procedures and techniques are to be used;
 - d. The range of procedures and techniques to be used;
 - e. Assessment procedures for ensuring the appropriateness of the treatment for each child;
 - f. Policies and procedures for obtaining consent from the child and parent(s) or guardians;
 - g. Provisions for ongoing monitoring and recording;
 - h. Provisions for review and analysis of program data, the individualized program strategies and the overall program orientation;
 - i. Provisions for making adjustments in the program strategies and orientation based upon the assessed needs of the child;
 - j. Policies and procedures encouraging termination of the program procedures at the earliest opportunity if the stated goals are achieved or if the stated procedures are proving to be ineffective or detrimental for a particular child.
 - 2. Individual service plan review and discharge plans:
 - a. The agency shall review each individual service plan at least once every 3 months and shall evaluate the degree to which the goals have been achieved. The service plan shall be revised in accordance with the needs of the child.
 - b. The agency shall provide an opportunity for the following persons to participate in the service plan reviews and in discharge planning:
 - i. The child, unless contraindicated;
 - ii. The child's parent(s) or guardian, unless contraindicated;
 - iii. Representative(s) of the placing agency;
 - iv. School personnel;
 - v. Other persons as determined by the agency to be significant in the child's life.

When any of the above persons do not participate, the agency shall document in the child's case record the agency's efforts to involve these persons in review of the individual service plan review and discharge plans. The agency shall document reasons for contraindication to the child's emotional or physical well being.

- e. ~~At least 3 months prior to planned discharge of a child the agency shall formulate an aftercare plan specifying the support and resource services to be provided to the child. Aftercare plans are to be documented in the child's case record.~~
 - i. ~~Prior to discharge, the agency shall clarify to the child and the child's parent(s) or guardian, when appropriate, the child's aftercare plan.~~
 - ii. ~~When a child is to be placed in another program following discharge, staff of the agency shall, if possible, confer with representatives of that program prior to the child's discharge to share information concerning the child.~~
 - d. ~~The agency shall have a written policy concerning emergency discharge and/or all other discharges not in accordance with a child's service plan. The agency shall give at least 72 hours' notice of discharge to the child placing agency, the parent(s) or guardian and the appropriate authorities providing educational services to the child unless the discharge occurs as a result of an immediate emergency.~~
 - e. ~~When a child in care is discharged, the agency shall compile a complete written discharge summary within a month of the date of discharge which shall be included in the child's case record. This summary shall include:~~
 - i. ~~The name, address, telephone number and relationship of the person to whom the child is discharged;~~
 - ii. ~~A summary of services provided during care;~~
 - iii. ~~A summary of growth and accomplishments during care;~~
 - iv. ~~The assessed needs which remain to be met and alternate service possibilities which might meet those needs.~~
 - v. ~~When the discharge date is in accordance with the child's service plan, a statement of the aftercare plan and who is responsible for follow-up services;~~
 - vi. ~~When the discharge date is not in accordance with the child's service plan, the summary shall include the circumstances leading to the unplanned discharge and the actions taken by the program and the reason for these actions.~~
3. ~~Family involvement~~
- a. ~~The agency shall have a written description of its overall approach to family involvement.~~
 - b. ~~The agency shall actively seek to facilitate positive communication between a child in care and his/her parent(s) or guardian.~~
 - c. ~~The agency shall provide the parent(s) or guardian with a written description of the agency program, whenever possible, prior to placement. The description shall include:~~
 - i. ~~The philosophy of the agency;~~
 - ii. ~~Normal daily routines;~~
 - iii. ~~Behavior management and disciplinary practices at the agency;~~
 - iv. ~~Any specific treatment or strategy employed by the agency;~~

- v. ~~Visiting hours and other procedures related to communication with children;~~
 - vi. ~~A procedure which the parent(s) or guardian may use to register complaints;~~
 - vii. ~~Name and telephone number of a staff person who will be available to the parent(s) or guardian;~~
 - viii. ~~Any required religious observance.~~
 - d. ~~The agency shall provide reasonable privacy for visits and telephone contacts between children in care and their families. Flexible visiting hours shall be provided for families who are unable to visit at the regular times.~~
4. ~~Communication with others~~
- a. ~~The agency shall have a written policy regarding visiting and other forms of the child's communication with family, friends and significant others. This policy shall be provided to the child, staff members, parent(s) or guardian and child placing agencies.~~
 - b. ~~The agency shall provide opportunities for a child in care to visit with parent(s) or guardian and siblings in accordance with the child's service plan.~~
 - c. ~~The agency shall have written procedures for over night visits outside the program including: procedures for recording the child's location, the duration of the visit, the name and address of the person responsible for the child while absent from the program and the time of child's return.~~
 - d. ~~The agency shall permit a child in care to receive and send mail. Agency staff shall not read a child's mail without the permission of the child or sender of the letter.~~
 - e. ~~The agency shall provide reasonable access to telephones (either pay or free) for the children's use and shall have procedures for children's use of these telephones.~~
 - f. ~~When the privilege of a child in care to communicate with a person outside the agency must be curtailed, the agency shall:~~
 - i. ~~Inform the child of the conditions of and reasons for restriction of the child's privilege to communicate with the specified individual(s) unless such explanation is contraindicated in light of the child;~~
 - ii. ~~Inform the individuals over whom the restriction or termination or personal contact with the child has been placed of the conditions of and reasons for that action unless such explanation is contraindicated or is not feasible;~~
 - iii. ~~Document the reasons for restriction of the child's contact with the specified individual(s) into that child's case record and forward a copy of this report to the responsible child placing agency;~~
 - iv. ~~Permit a child's attorney or an authorized representative of the responsible child placing agency to visit, correspond with or telephone the child.~~
5. ~~Social work services. Social work services shall be provided by the agency for each child in care.~~
6. ~~Psychological and psychiatric services. Psychological and psychiatric services shall be provided by the agency for children requiring those services.~~
7. ~~Work and employment~~
- a. ~~The agency may use work assignments within the agency only when they provide a constructive experience.~~

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rience for children and not as unpaid substitution for adult staff.

- i. ~~Work assignments shall be appropriate to the age and ability of the child and shall not conflict with basic needs and activities of the child.~~
 - ii. ~~The agency shall comply with child labor laws and regulations in making work assignments.~~
 - b. ~~The agency shall arrange for any child who is legally not attending school to be gainfully employed or enrolled in a training program geared to develop employment or life skills.~~
8. Religion and culture
- a. ~~The agency shall have a written description of its religious orientation, religious practices that are observed and any religious restrictions on admission. This description shall be provided to the child, the parent(s) or guardian and the child placing agency.~~
 - i. ~~During the admission process the religious orientation and policy of the agency shall be discussed with the child and his/her parent(s) or guardian. At this time, the agency shall determine the wishes of the parent(s) or guardian and the child regarding the child's religious training.~~
 - ii. ~~Every child shall have the opportunity to participate in religious activities and services in accordance with the child's own faith or that of the child's parent(s) guardian. The agency shall, when necessary, arrange transportation.~~
 - iii. ~~Wherever feasible, the child shall be permitted to attend religious activities and services in the community.~~
 - iv. ~~Children may be encouraged to participate in religious activities but they shall not be coerced to do so.~~
 - v. ~~The child's family shall be consulted in any change in religious affiliation made by the child while the child is in care.~~
 - b. ~~The agency shall consider the racial, cultural, ethnic and/or religious backgrounds of children in care in developing a child's program.~~
 - c. ~~The agency shall involve a child in cultural and ethnic activities, appropriate to the child's culture and ethnic background.~~
9. Recreation and leisure
- a. ~~The agency shall have a written plan which ensures that a range of indoor and outdoor recreational and leisure opportunities are provided.~~
 - b. ~~The agency shall utilize the available recreational resources of the community whenever such resources are appropriate to a child's needs.~~
 - c. ~~The agency shall include program instructors in the development and review of case plans.~~
10. Community interaction. The agency shall have written policies and procedures with respect to:
- a. ~~Involvement of children in available community activities;~~
 - b. ~~Strategies for the optimum use of community resources.~~
- B. Medical services
1. ~~Health care plan. The agency shall provide or arrange for preventive, routine, specialized and emergency medical and dental care for children in care. The agency shall have a written plan for providing and accessing such care. This plan shall include:~~

- a. ~~On-going assessment of the general health of each child;~~
 - b. ~~Health education and sex education as appropriate to the child's maturity, age, and sex;~~
 - c. ~~Establishment of an ongoing immunization program;~~
 - d. ~~Explanation of medical treatment to each child in language suitable to the child's age and understanding.~~
 - e. ~~Availability of medical services on a 24 hours a day, 7 days a week basis.~~
2. Medical examinations of children
- a. ~~The agency shall arrange a general medical examination by a physician for each child in care within a week of admission unless the child has received such an examination within 30 days before admission and the results of this examination are available to the agency. This examination shall include:~~
 - i. ~~An examination of the child for physical injury and disease;~~
 - ii. ~~Vision and hearing tests;~~
 - iii. ~~An assessment of the child's general health;~~
 - iv. ~~Whenever indicated, the child shall be referred to an appropriate medical specialist for either further assessment or treatment;~~
 - v. ~~An assessment of the child's physical abilities and limitations concerning participation in the agency's program activities.~~
 - b. ~~The agency shall arrange an annual physical examination of all children.~~
3. Medical care. The agency shall provide or arrange for competent medical care when children are ill and provide or arrange for necessary follow up medical care. The agency shall make every effort to maintain the child in the child's regular environment during illness.
4. Emergency medical care
- a. ~~The agency shall have written instructions for staff members to follow in case of medical emergency which shall define circumstances and set forth the procedures when a medical emergency exists.~~
 - b. ~~The agency shall have at least 1 staff member on duty who is qualified to administer first aid.~~
 - c. ~~A first aid kit which is tailored to the specific environment and activity shall be available in each activity area of the agency. The type, size and contents of the first aid kit shall be determined by the agency's medical consultant.~~
5. Administration of medication
- a. ~~The agency shall have written policies and procedures governing the use and administration of medication to children. These policies and procedures shall be disseminated to all staff. These policies shall specify the conditions under which medications may be prescribed and administered; who may prescribe and who may administer medication; procedures for documenting the administration of medication and medication errors and drug reactions; and procedures for notification of the attending physician in cases of medication errors and/or drug reactions.~~
 - b. ~~The agency shall have a child examined by a physician prior to receiving a prescription for medication. In cases of medical emergency, telephone orders for the administration of medication may only be placed by a licensed physician.~~

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- e. ~~The agency shall maintain a cumulative central record of all medication dispensed to children including:~~
 - i. ~~The name of the child;~~
 - ii. ~~The type and usage of medication;~~
 - iii. ~~The reason for prescribing the medication;~~
 - iv. ~~The time and date the medication is dispensed;~~
 - v. ~~The name of the dispensing person;~~
 - vi. ~~The name of the prescribing physician.~~
 - d. ~~When a child is admitted, the agency shall ascertain the type and dosage of all medication the child is currently taking. At this time the agency shall review medication the child is using and either continue the medication or reassess the medication needs of the child. All outdated medications shall be discarded.~~
 - e. ~~The agency shall have a written medication schedule for each child to whom medication is prescribed. A child's medication schedule shall contain the following information:~~
 - i. ~~Name of child;~~
 - ii. ~~Name of prescribing physician;~~
 - iii. ~~Telephone number at which prescribing physician may be reached in case of medical emergency;~~
 - iv. ~~Date on which medication was prescribed;~~
 - v. ~~Generic and commercial name of medication prescribed;~~
 - vi. ~~Dosage level;~~
 - vii. ~~Time(s) of day when medication is to be administered;~~
 - viii. ~~Possible adverse side effects of prescribed medication;~~
 - ix. ~~Date on which prescription will be reviewed.~~
 - f. ~~The agency shall provide a copy of a child's current medication schedule to all staff members responsible for administering the medication to the child and such schedule shall subsequently be placed in the child's case record.~~
6. ~~Immunizations. The agency, after attempting to determine a child's immunization history, shall provide or arrange for immunizations and booster shots which are required by the Department of Health Services in A.C.R.R. R9-6-117 within 30 days of the child's admission.~~
7. ~~Corrective devices. Medical examinations provided by the agency shall determine whether there is a need for glasses, a hearing aid, a prosthetic device or a corrective device and the agency shall provide them as prescribed.~~
8. ~~Dental care~~
 - a. ~~The agency shall arrange a dental examination by a dentist for each child within 60 days of the child's admission unless the child has been examined within 6 months prior to admission and the agency has the results of that examination.~~
 - b. ~~Each child shall have a semi-annual dental examination.~~
 - c. ~~The agency shall ensure that the child receives necessary dental work.~~
- C. ~~Educational services~~
1. ~~Education. The agency shall provide every child in care of the agency, educational services in accordance with Arizona law and as determined by the child's assessed needs.~~
 - a. ~~The agency shall have a written description of its educational program which shall be provided to the child and the child's parent(s) or guardian prior to the child's admission.~~
- b. ~~The agency shall not place a child in an agency educational program unless such program is appropriate to the child's assessed educational needs.~~
- c. ~~If a child is excluded from public school or cannot reasonably benefit from regular school attendance, special education or training programs shall be sought and wherever possible provided for the child.~~
- d. ~~The direct service staff of the agency shall routinely communicate with the staff involved in the educational program in which the child is placed.~~
- e. ~~The agency shall provide sufficient space and supervision for quiet study after school hours. The agency shall provide the child access to necessary reference materials.~~
2. ~~Vocational preparation. The agency shall provide for vocational preparation services or life skills training. Such training and services shall be appropriate to the age and abilities of the child.~~
- D. ~~Food services~~
1. ~~Daily dietary allowances. The agency shall, on a daily basis, provide the child with food of the quality and quantity to meet the recommended daily dietary allowances adjusted for age, gender and activity of the Food Nutrition Board of the National Research Council, which is incorporated by reference in A.C.R.R. R9-10-925.~~
 - a. ~~The agency shall provide each child at least 3 meals or their equivalent daily. Meals shall be served at regular times. Between meal snacks of nourishing quality shall be offered.~~
 - b. ~~The agency shall provide food to a child in care in accord with the child's religious beliefs and in consideration of the ethnic and cultural differences of the children.~~
 - c. ~~No child in care at the agency shall be denied a meal except according to a physician's order for health reasons.~~
 - d. ~~No child shall be forced fed or otherwise coerced to eat against the child's will except by order of a physician.~~
2. ~~Supervision of food services. The agency shall:~~
 - a. ~~Maintain a current list of children with special nutritional or dietary needs;~~
 - b. ~~Record in the children's medical records information relating to special nutritional needs identified by a physician.~~
3. ~~Meals for staff. The agency staff members shall eat substantially the same food served to children in care unless age differences or special dietary requirements dictate differences in diet. Staff members shall eat with children for the major meal of the day.~~
- E. ~~Personal care and hygiene~~
1. ~~Hygiene. The agency shall provide the children training in habits of personal care, hygiene and grooming appropriate to their age, sex, race and culture.~~
 - a. ~~Agency staff shall provide assistance to children in proper grooming and physical cleanliness.~~
 - b. ~~The agency shall provide children with necessary individual toiletry items.~~
 - c. ~~The agency shall allow a child a reasonable degree of freedom in selecting a hair style.~~
2. ~~Personal belongings. The agency shall allow a child to bring personal belongings to the program and to acquire belongings in accordance with the child's service plan.~~

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Provisions shall be made for the protection of the child's property.

3. Clothing

- a. The agency shall ensure that each child in care has adequate, clean, well fitting and seasonable clothing as required for health, comfort and physical well-being.
- b. A child's clothing must be identified as his/her own and not shared in common.
- c. The agency shall ensure that clothing is laundered or cleaned and kept in good repair. The child may be involved in the care and maintenance of the child's clothing.
- d. A child shall have access to his/her own clothes.
- e. The agency shall ensure that all personal clothing shall go with a child when he/she is discharged.

F. Daily activities

- 1. Daily routine. The agency shall have a current written plan of basic daily routines which shall be available to all personnel and shall include:

- a. Participation of children in planning daily routines;
- b. Evidence that daily routines shall not conflict with the implementation of a child's service plan.

2. Sleep

- a. The agency shall have established routines for putting children to bed and waking them.
- b. The agency shall provide each child ready access to a responsible staff member throughout the night.
- c. When the needs of a child dictate, there shall be an awake staff member near his/her sleeping area.
- d. The agency shall maintain the possessions and sleeping area of a child if a child is temporarily absent from the program.
- e. The agency shall not permit children of the opposite sex over the age of 5 years to occupy the same sleeping shelter.

- 3. Children's money. The agency shall permit and encourage a child in care to possess his/her own money either by giving an allowance and/or by providing opportunities for paid work within the agency unless otherwise indicated by the child's service plan.

- a. Money earned, received as a gift or received as allowance by a child in care shall be deemed to be that child's personal property.
- b. Limitations may be placed on the amount of money a child in care may possess or have unencumbered access to when such limitations are considered to be in the child's best interests and are recorded in the child's service plan.

G. Child management

1. Child management policy

- a. The agency shall have a written policy of child management to be used on an agency wide level which shall include:
 - i. Definition of appropriate and inappropriate behaviors;
 - ii. Acceptable staff responses to a child's inappropriate behaviors.
- b. There shall be a clear written list of rules governing conduct of children in care. These rules shall be explained to all agency staff, each child in care, the child's parent(s) or guardian and child placing agencies.

- 2. Children's grievance procedure. The agency shall have a written grievance procedure for children. This procedure shall be written in clear and simple language and shall

allow children to make complaints without fear of retaliation. The written procedure shall be explained and provided to each child by a staff member upon admission.

H. Discipline and controls

1. General standards

- a. Behavior limits or discipline shall be fair, reasonable and consistent.
- b. The agency shall have written, comprehensive policies regarding discipline including use of punishment, passive physical restraint and control. These policies shall be provided and explained to agency staff, each child in care, the child's parent(s) or guardian, and child placing agencies. The agency shall notify the licensing agency, and each child placing agency of changes in this policy in writing before implementation.
- c. Discipline shall not be delegated to persons who are not known to the child.
- d. A staff member disciplining a child shall explain the reasons for the discipline in a manner understandable to the child and the child shall be provided an opportunity to explain his own behavior.
- e. Children in care may not punish other children.

2. Discipline. The agency may not use the following forms of discipline:

- a. Any type of physical hitting or any type of physical punishment inflicted in any manner upon the body;
- b. Physical exercises such as running laps or doing push-ups, as a means of discipline;
- c. Permitting children to discipline themselves through undue physical contact with other children or staff, such as boxing, wrestling or similar activities;
- d. Requiring or forcing a child to maintain an uncomfortable position;
- e. Group punishments for misbehaviors of individuals;
- f. Verbal abuse, ridicule, or humiliation;
- g. Excessive denial of on-grounds program services or denial of any essential program services;
- h. Withholding of meals or routine snacks;
- i. Denial of visiting or communication privileges with family;
- j. Denial of sufficient sleep;
- k. Requiring the child to remain silent for excessive periods of time;
- l. Denial of shelter, clothing, or bedding;
- m. Chemical, mechanical, or excessive physical restraint;
- n. Assignment of unduly physically strenuous or harsh work;
- o. Requiring a child to stand in a designated area for an excessive period of time.

3. Physical restraint

- a. No form of restraint other than passive physical restraint may be used except in extremely dangerous physical confrontations.
- b. Passive physical restraint may be used only when a child's actions pose a danger to the child or others.
- c. If a child's actions are physically dangerous to a staff member, another person, or the child, only the minimum force necessary to physically restrain or control the child may be used for the period of time necessary to alter the child's behavior. Any use of restraint or physical force shall be documented as follows:
 - i. An incident report shall be placed in the child's agency file within 8 hours of the incident. This

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3. Admission. The agency shall provide written notice of changes in admission criteria to the Department prior to implementation of such changes.
4. Services and child management
 - a. Changes in service plan. The agency shall submit any significant changes in the overall written service plan of the agency to the Department prior to implementation.
 - b. Changes in discipline policies and procedures. The agency shall submit any changes in written policies and procedures regarding discipline to the Department prior to implementation.
 - c. Mobile trip itinerary. The agency which operates the mobile outdoor programs shall submit 1 copy of the itinerary for each trip to the Department licensing representative prior to departure.
 - d. Child abuse. The agency shall report any suspected or alleged incident of child abuse or neglect to the Department licensing representative, as well as to Child Protective Services.
 - e. Injury or death of a child. The agency shall immediately notify the child's parent or guardian, the placing agency and the Department of any serious illness, incident involving serious bodily injury, severe psychiatric episode, or death of a child.
5. Physical environment and safety. The agency shall report all fires in sites used by children to the Department licensing representative within 1 working day after the fire.

~~R6-5-7308. R6-5-7471~~Renumbered

~~A. Reports to the Department~~

- B. Reports to child-placing agencies**
- 1. Services reports**
 - a. ~~Quarterly progress reports. The agency shall submit a written quarterly progress report on each child to the placing agency or placing parent or guardian responsible for the child.~~
 - b. ~~Discharge plans. The agency shall give at least 72 hours' notice of discharge to the placing agency, the parent(s) or guardian and the appropriate educational authorities unless the discharge was under emergency conditions. A written discharge report shall be submitted to the placing agency within 5 working days of the child's discharge.~~
 - c. ~~Changes in discipline policies and procedures. The agency shall notify each child placing agency with children in care prior to implementation of any changes in written discipline policies and procedures.~~
 - 2. Unusual incident reports**
 - a. ~~Restriction of personal contacts. The agency shall provide the placing agency with a copy of a report of any restriction or termination of a child's contact with specified individuals which includes the reasons and conditions.~~
 - b. ~~Runaways. The agency shall notify the child's parents or guardian, the placing agency and the appropriate law enforcement official within 2 working days of when a child runs away.~~
 - c. ~~Use of restraint or physical force. The agency shall mail a copy of each incident report documenting the use of physical force or restraint to the child's placing agency representative within 5 working days after the incident.~~
 - d. ~~Illness or injury. The agency shall immediately notify the child's parent(s) or guardian and the placing agency of any serious illness, incident involv-~~

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~~serious bodily injury or any severe psychiatric episode involving a child.~~

- e. ~~Child abuse. The agency shall report any suspected or alleged incident of child abuse or neglect to the child's placing agency representative, as well as to Child Protective Services.~~
- f. ~~Death of a child. In the event of the death of a child, the agency shall immediately notify the child's parent(s) or guardian, the placing agency and the Department licensing representative. The agency shall cooperate in arrangements made for examination, autopsy and burial.~~

C. ~~Reports to interstate compact administrator. The agency accepting any child who resides in another state shall comply with the terms of the Interstate Compact on Juveniles (A.R.S. §§ 8-361) and the Interstate Compact on the Placement of Children (A.R.S. §§ 8-548).~~

ARTICLE 74. GROUP CARE AGENCY LICENSING STANDARDS

ARTICLE 74. LICENSING PROCESS AND LICENSING REQUIREMENTS FOR CHILD WELFARE AGENCIES OPERATING RESIDENTIAL GROUP CARE FACILITIES AND OUTDOOR EXPERIENCE PROGRAMS

R6-5-7401. Objectives

The Department shall establish licensing and operating standards for group care agencies which protect and ensure the health, safety and welfare of children whose needs are not adequately met in their family homes or who cannot tolerate close parent-child relationships.

R6-5-7401. Definitions

In addition to the definitions contained in A.R.S. § 8-501, the following definitions apply in this Article:

- 1. "Abandonment" has the same meaning ascribed to "abandoned" in A.R.S. § 8-546(A)(1).
- 2. "Abuse" means the infliction or allowing of physical injury, impairment of bodily function or disfigurement or the infliction of or allowing another person to cause serious emotional damage as evidenced by severe anxiety, depression, withdrawal or untoward aggressive behavior and which emotional damage is diagnosed by a medical doctor or psychologist pursuant to Section 8-223 and which is caused by the acts or omissions of an individual having care, [physical] custody and control of a child. Abuse shall include inflicting or allowing sexual abuse pursuant to Section 13-1404, sexual conduct with a minor pursuant to Section 13-1405, sexual assault pursuant to Section 13-1406, molestation of a child pursuant to Section 13-1410, commercial sexual exploitation of a minor pursuant to Section 13-3552, sexual exploitation of a minor pursuant to Section 13-3553, incest pursuant to Section 13-3608 or child prostitution pursuant to Section 13-3212. A.R.S. § 8-546(A)(2).
- 3. "Accredited" means the approval and recognition of an institution of learning as maintaining those standards requisite for its graduates to gain admission to other institutions of higher learning or to achieve credentials for professional practice. An example of an accrediting body is the North Central Association of Colleges and Universities.
- 4. "Administrative completeness review time frame" means the number of days from [the Licensing Authority's] receipt of an application for a license until [the Licensing Authority] determines that the application contains all

components required by statute or rule, including all information required to be submitted by other government agencies. The administrative completeness review time frame does not include the period of time during which an agency provides public notice of the license application or performs a substantive review of the application. A.R.S. § 41-1072(1).

- 5. "Adverse action" means suspension or revocation of a license, denial of a renewal license, or making a material change in licensing status.
- 6. "After-care" means services provided to a child after the child is discharged from a licensee's care and may also include services for the child's family.
- 7. "Applicant" means a person who submits a written application to the Licensing Authority to become licensed or to renew a license to operate a child welfare agency or a residential group care facility.
- 8. "Barracks" means a building that:
 - a. Is designed and constructed or remodeled for the specific purpose of housing large numbers of children of the same gender.
 - b. Has wide, open sleeping areas for children, under 1 roof.
 - c. Is identified and described as a barracks or dormitory in the agency's promotional and organizational materials; and
 - d. Is made known as a barracks or dormitory to placing agencies and persons considering placement of a child.
- 9. "Behavior management" means the policies, procedures, and techniques a licensee uses to control conduct as prescribed in R6-5-7456.
- 10. "Child placing agency" means a person or entity that is licensed or authorized to receive children for care, maintenance, or placement in a foster home, because:
 - a. The Department has licensed the person or entity as a child welfare agency pursuant to A.R.S. § 8-505; or
 - b. It is an entity with statutory authorization to place children.
- 11. "Child welfare agency" or "agency" means:
 - a. Any agency or institution maintained by a person, firm, corporation, association or organization to receive children for care and maintenance or for 24-hour social, emotional or educational supervised care or who have been adjudicated as a delinquent or dependent child.
 - b. Any institution that provides care for unmarried mothers and their children.
 - c. Any agency maintained by the state, or a political subdivision thereof, person, firm, corporation, association, or organization to place children or unmarried mothers in a foster home. "Child welfare agency" or "agency" does not include state operated institutions or facilities, detention facilities for children established by law, camps operating less than twelve months per year or boarding schools which board children on a regular school year basis and where the child is off the grounds for at least sixty days or [a] health care institution which is licensed by the department of health services pursuant to Section 36-405. A.R.S. § 8-501(A)(1).
- 12. "Corrective action" means a specific course of conduct an agency will follow to remedy violations of the licensing requirements prescribed in this Article, within a specified period of time.

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13. "Corrective action plan" means a written document describing an agency's corrective action, as prescribed in R6-5-7419.
14. "CPS" means Child Protective Services, a Department program responsible for investigating reports of child maltreatment.
15. "CPSCR" means the Child Protective Services Central Registry, a computerized database, which CPS maintains according to A.R.S. § 8-546.03.
16. "De-escalation" means a method of verbal communication or non-verbal signals and actions, or a combination of signals and actions, that interrupt a child's behavior crisis and calm the child.
17. "Department" or "DES" means the Department of Economic Security.
18. "Developmentally appropriate" means an action which takes into account:
 - a. A child's age and family background;
 - b. The predictable changes that occur in a child's physical, emotional, social, cultural, and cognitive development; and
 - c. A child's individual pattern and timing of growth, personality, and learning style.
19. "DHS" means the Department of Health Services.
20. "Direct care staff" means the facility staff who provide primary personal care, guidance, and supervision to children in care.
21. "Discharge plan" means:
 - a. A written description of:
 - i. A program of action to prepare a child for release from a facility; and
 - ii. After-care;
 - b. That is developed by a licensee in cooperation with a child's service team.
22. "Discipline" means a teaching process through which a child learns to develop and maintain the self-control, self-reliance, self-esteem, and orderly conduct necessary to assume responsibilities, make daily living decisions, and live according to accepted levels of social behavior.
23. "Document" means to make and retain a permanent written or electronic record of a fact, event, circumstance, observation, contact, or communication.
24. "Exploitation" means the act of taking advantage of, or to make use of a child selfishly, unethically, or unjustly, for one's own advantage or profit, in a manner contrary to the best interests of the child, such as having a child panhandle, steal, or perform other illegal activities.
25. "Facility" or "residential group care facility" means a living environment operated by a child welfare agency, where children are in the care of adults unrelated to the children, 24 hours per day.
 - a. "Facility" does not include a program licensed as a behavioral health service agency by the Department of Health Services under A.R.S. § 36-405 and 9 A.A.C. 20.
 - b. "Facility" does include an outdoor experience program.
 - c. When used in reference to an outdoor experience program, "facility" means the campsite at which or the mobile equipment in which children are housed.
26. "File" means a place where information is stored through written, electronic, or computerized means.
27. "Foot candles" means a unit of luminous intensity that can be measured with a light meter.
28. "Governing body" means an individual or group of individuals responsible for the policies, activities, and operations of a facility, as prescribed in R6-5-7424.
29. "Individual education plan" or "IEP" means a written document which describes educational goals for a particular child and the services the child needs to attain those goals.
30. "Institution" as used in A.R.S. § 8-501(A)(1) means an entity meeting 2 or more of the following criteria:
 - a. Solicits charitable contributions;
 - b. Is organized as a profit or non-profit corporation with a board of directors and officers;
 - c. Publishes and distributes information or promotional materials about its program or operations;
 - d. Requires residents to formally apply for residency through use of application forms or other similar paperwork;
 - e. Operates a structured program of care pursuant to written policies, procedures, guidelines, or rules; or
 - f. Advertises itself or holds itself out in the community as an institution that provides care or social services.
31. "Institution for Unwed Mothers and Children" means a child welfare agency, as described in A.R.S. § 8-501(A)(1)(a)(ii), that is licensed to care for unmarried mothers who are under age 18 at the time of admission to the agency and the children of those mothers.
32. "License" means a document issued by the Licensing Authority to an individual or non-governmental business, which authorizes the individual or business to operate a child welfare agency in compliance with this Article.
33. "Licensee" means the person or entity holding a license. When used in reference to a duty, task, or obligation, the term "licensee" includes the staff who work at an agency or facility and who are responsible for doing the acts necessary to fulfill the requirements of this Article.
34. "Licensed medical practitioner" means a person who holds a current license as a physician, surgeon, nurse practitioner, or physician's assistant pursuant to A.R.S. §§ 32-1401 *et seq.*, Medicine and Surgery; A.R.S. §§ 32-1800 *et seq.*, Osteopathic Physicians and Surgeons; A.R.S. §§ 32-2501 *et seq.*, Physician's Assistant; and A.R.S. §§ 32-1601 *et seq.*, Nursing and A.A.C. R4-19-503, Registered Nurse Practitioner, respectively.
35. "Licensing Authority" means the Department administrative unit which monitors and makes licensing determinations for agencies and facilities, including issuance, denial, suspension, and revocation of a license or operating certificate, and imposition of corrective action.
36. "Licensing representative" means a person employed by the Licensing Authority to investigate and monitor applicants and licensees.
37. "Licensing year" means a 1-year time period that begins on the date an agency obtains its initial license to operate, and ends 1 year later.
38. "Living unit" means a specific grouping of children who are assigned to and share a distinct and common physical space within a facility.
39. "Maltreatment" means abuse, neglect, abandonment, or exploitation, of a child.
40. "Material change in licensing status" means, for the purpose of A.R.S. § 8-506.01,
 - a. Any of the following actions:
 - i. Denial, suspension, or revocation of an operating certificate;
 - ii. At any time following issuance of an initial license, imposition of provisional license sta-

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- tus, in lieu of a regular license as prescribed in R6-5-7419; or
- iii. A change in a term appearing on the face of a license or operating certificate, including: a.) Geographic area served; b.) Age, number, or gender of children served; or c.) Type of services offered;
- b. But does not include the act of placing an agency on a corrective action plan to bring the agency into compliance with licensing requirements as prescribed in R6-5-7418.
41. "Mechanical restraint" means:
- a. An article, device, or garment that:
- i. Restricts a child's freedom of movement or a portion of a child's body;
- ii. Cannot be removed by the child; and
- iii. Is used for the purpose of limiting the child's mobility;
- b. But does not include an orthopedic, surgical, or medical device which allows a child to heal from a medical condition or to participate in a treatment program.
42. "Medication" means an agent, such as a drug or remedy, used to prevent or treat disease, illness or injury, including both prescribed and over-the-counter agents.
43. "Mobile dwelling" means a structure, such as a trailer or recreational vehicle as defined in A.R.S. § 41-2142(30). Mobile dwelling does not mean a mobile, manufactured, prefabricated, or modular home as defined in A.R.S. § 41-2142(14), (24), or (26).
44. "Neglect" has the same meaning ascribed to it in A.R.S. § 8-546(A)(7).
45. "Non-ambulatory child" means a child who cannot walk due to a physical disability or impairment, rather than as a result of the child's normal age and developmental level.
46. "Operating certificate" means a document that the Licensing Authority issues to a particular facility that is run by an agency holding a license, as prescribed in R6-5-7409.
47. "Outdoor experience program" means a child welfare agency that is located in a cabin or portable structure such as a tent or covered wagon and primarily uses the outdoors to provide recreational and educational experiences in group living, either in a fixed campsite or in a program with an unfixed site, such as a wagon train or wilderness hike.
48. "Out-of-home placement" means the placing of a child in the custody of an individual or agency other than with the child's parent or legal guardian and includes placement in temporary custody pursuant to Section 8-223, subsection B, paragraph 3 or subsection C, paragraph 2, voluntary placement pursuant to Section 8-546.05 or placement due to dependency actions. A.R.S. § 8-501(A)(7).
49. "Overall time frame" means the number of days after receipt of an application for a license during which [the licensing authority] determines whether to grant or deny a license. The overall time frame consists of both the administrative completeness review time frame and the substantive review time frame. A.R.S. § 41-1072(2).
50. Paid staff means:
- a. A licensee's paid employees who work at a facility;
- b. Any temporary worker or independent contractor the licensee uses as a temporary replacement for an employee who is sick, on leave, or unavailable; and
- c. Any independent contractor that the licensee retains to provide children in care with direct services at the facility.
51. "Parent or parents" means the natural or adoptive parents of the child. A.R.S. § 8-501(A)(8).
52. "Person" means an individual, partnership, joint stock company, business trust, voluntary association, corporation, or other form of business enterprise, including non-profit or governmental organizations.
53. "Personally identifiable information" means any information which, when considered alone, or in combination with other information, identifies, or permits another person to readily identify the person who is the subject of the information, and includes:
- a. Name, address, and telephone number;
- b. Date of birth;
- c. Photograph;
- d. Fingerprints;
- e. Physical description;
- f. School;
- g. Place of employment; and
- h. Unique identifying number, including:
- i. Social security number;
- ii. Driver's license number;
- iii. License number; and
- iv. Court case number.
54. "Physical restraint" means the use of bodily force to restrict a child's freedom of movement, but does not include holding a child firmly enough to prevent the child from harming himself or herself, or others, but gently enough so that the child is not harmed by being held.
55. "Placing agency or person" means the child placing agency, parent, or guardian, having legal custody of a child and who makes the decision to send the child to reside at a particular agency.
56. "Potentially hazardous food" means a food that is:
- a. Natural or synthetic and capable of rapid and progressive growth of infectious or toxigenic microorganisms or the growth and production of *Clostridium botulinum*;
- b. Of animal origin and is raw or has been heated;
- c. Of plant origin and is heated or consists of raw seed sprouts;
- d. A cut melon; or
- e. A garlic and oil mixture.
57. "Program director" means a person who meets the qualifications listed in R6-5-7432(B).
58. "Relative" means a grandparent, great grandparent, brother or sister of whole or half blood, aunt, uncle or first cousin. A.R.S. § 8-501(A)(11).
59. "Residential environment" means a facility building or any portion of a facility building that is used for living, sleeping, counseling, dining, or academic purposes.
60. "Restrictive behavior management" means a form of behavior control that is subject to limitations as prescribed in R6-5-7456(D).
61. "Safeguard" means to use reasonable and developmentally appropriate measures to minimize the risk of harm to a child in care and to ensure that a child in care will not be harmed by a particular object, substance, or activity. Where a specific method is not otherwise prescribed in this Article, safeguarding may include:
- a. Locking up a particular substance or item;
- b. Putting a substance or item beyond the reach of a child who is not mobile;

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- c. Erecting a barrier which prevents a child from reaching a particular place, item, or substance;
 - d. Mandating the use of protective safety devices; or
 - e. Providing staff supervision.
62. "Seclusion" means placing a child alone in a room with closed, locked doors that cannot be opened from the inside as prohibited by R6-5-7456(C)(5).
63. "Service plan," which is sometimes described as a "case plan," means a goal-oriented, time-limited individualized program of action which:
- a. Describes the plans for treating and providing services to a child and the child's family; and
 - b. Is developed by a licensee in cooperation with a child's service team.
64. "Service team" means the group of persons listed in R6-5-7441(E)(1) who participate in development and review of a child's service plan and discharge plan.
65. "Shelter care facility" means an agency facility that receives children for temporary out-of-home care, 24 hours per day, when children request care, or are placed in care by a placing agency, a law enforcement agency, a parent, a guardian, or a court.
66. "Significant person" means a person who is important or influential in a child's life and may include a family member or close friend.
67. "Sleeping area" means a single bedroom, or a cluster of 2 or more bedrooms, located in an adjacent area of a dwelling.
68. "Social worker" means a person with a bachelor's, master's, or doctoral degree in a field of organized work called social work, which is intended to advance the social conditions of a community through provision of counseling, guidance, and assistance, especially in the form of social services to individuals.
69. "Staff" means a licensee's paid staff and unpaid staff.
70. "Substantive review time frame" means the number of days after the completion of the administrative completeness review time frame during which [the licensing authority] determines whether an application or applicant for a license meets all substantive criteria required by statute or rule. Any public notice and hearings required by law shall fall within the substantive review time frame. A.R.S. § 41-1072(3).
71. "Swimming pool" means any on-grounds, natural or man-made body of water that is used for the purposes of swimming, recreation, or physical therapy, and includes spas and hot tubs.
72. "Threat" means an expression of intent to hurt, destroy, or take action prohibited by this Article or the licensee's policies, but does not include an expression of intent to impose a planned consequence for misbehavior if the consequence is not prohibited by this Article or the licensee's policies.
73. "Transitional program" means services provided to a child who is being emancipated as an adult, or a person who has reached the age of 18 and is considered an adult as a matter of law, in order to assist the child or person in becoming independent.
74. "Unpaid staff" means a licensee's volunteers, students, and interns who work, train, or assist at a facility.
75. "Unusual incident" means 1 or more of the events listed in R6-5-7434 (C), (D), (E), or (G).
76. "Work day" means 8 a.m. to 5 p.m., Monday through Friday, excluding Arizona state holidays.

R6-5-7402. Authority

A.R.S. §§ 8-501(1), 8-503, 8-504, 8-505, 8-506, 8-507, 8-508, 8-519, and 8-520.

R6-5-7402. Request for Initial Application - New Applicant

- A. A person who wants to operate a residential group care facility shall initiate the licensing process by contacting the Licensing Authority to request an application for a child welfare agency license.
- B. Upon request, the Licensing Authority shall send the prospective applicant an application package containing:
 - 1. A cover letter outlining the licensing process and requesting a responsive letter of intent;
 - 2. An application form;
 - 3. A statement of requirements for licensure; and
 - 4. A form the applicant can use to obtain city or county zoning clearance.

R6-5-7403. Definitions

- A. "Administrator". The person responsible for overall administration of the child welfare agency; also referred to as executive director or superintendent.
- B. "Adult". Any person 18 years of age or older.
- C. "Authorized Representative". Social service workers or mental retardation workers of the Department, qualified staff of licensed child placing agencies, and juvenile probation officers.
- D. "Case Aide". A person with less than a bachelor's degree and who works under the direct supervision of a social worker, caseworker or counselor.
- E. "Case Worker". A person who holds a bachelor's degree from a university or college and who has training and/or experience in the field of behavioral science.
- F. "Child". Any person under 18 years of age.
- G. "Clinical Psychologist". A person who holds a master's or a doctor's degree in psychology from an accredited university and is certified by the Arizona Board of Psychologist Examiners.
- H. "Counselor". A person with a master of counseling degree from an accredited university.
- I. "Department". The Arizona State Department of Economic Security.
- J. "Dietitian" or "Qualified Nutritionist". A person who has received a baccalaureate degree with major studies in food and nutrition from an accredited college or university and completed a dietetic internship or traineeship in an institution approved by the American Dietetic Association or has received a master's degree in nutrition or related field.
- K. "Director". The Director of the Arizona State Department of Economic Security.
- L. "Foster Care". A social service which, for a planned period, provides substitute care for a child when its own family cannot care for it for a temporary or extended period of time. Foster care may be in a private family home, a group home or an institution.
- M. "Foster Child". "A child placed in a foster home or child welfare agency" (A.R.S. § 8-501(3)).
- N. "Foster Home". "A home maintained by an individual or individuals having the care or control of children, other than those related to each other by blood or marriage, or related to such individuals, or who are legal wards of such individuals" (A.R.S. § 8-501(4)).
- O. "Group Care Agency" or "Child Welfare Agency" or "Agency".
 - 1. Any child welfare agency or institution maintained by a person, firm, corporation, association or organization to

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receive more than 10 children for 24 hours-a-day care maintenance at a fixed location; or,

2. Any institution that provides care for unmarried mothers and their children; or,
3. Any agency or institution that provides care for more than 10 children who require immediate placement when taken into custody or pending medical examination and court disposition.
4. Excluded from this definition are:
 - a. Any state-operated institution or facility;
 - b. Any detention home for children established by law;
 - c. Camps operating less than 12 months per year;
 - d. Boarding schools that board children on a regular school year basis and where the child is off the grounds for at least 60 days per year;
 - e. Any foster home, group foster home, or adoptive home certified or approved by the Department wherein children accepted for care are placed by a licensed child placing agency;
 - f. Licensed child placing agencies (A.R.S. § 8-501(1)).

P. "Handicapped Child". A child who is determined by a multi-disciplinary evaluation to be either mentally retarded, developmentally disabled, physically handicapped, or emotionally handicapped.

Q. "Licensed Medical Practitioner". Any physician or surgeon licensed under the laws of this state to practice medicine pursuant to Title 32, Chapters 13 and 17 (A.R.S. § 36-501(4)).

R. "Licensing". Includes the agency process respecting the grant, denial, renewal, revocation, suspension, annulment, withdrawal or amendment of a license.

S. "Parent" or "Parents". "The natural or adoptive parents of the child" (A.R.S. § 8-501(6)).

T. "Provisional License". A temporary, legal authorization to operate a group care agency, issued by the Arizona Department of Economic Security for a period not to exceed 6 months; a provisional license is issued to each new agency or to an existing agency that is temporarily unable to conform to all licensing standards and where the deficiencies are minor, correctable and not potentially injurious to the safety or welfare of a child and the agency agrees to correct the deficiency or deficiencies. A provisional license is not renewable.

U. "Psychiatrist". A person who has completed 3 years of graduate training in psychiatry in a program approved by the American Medical Association or the American Osteopathic Association and is licensed as a physician in the state of Arizona (A.R.S. § 8-501(6)).

V. "Receiving Foster Home". A licensed foster home suitable for immediate placement of children when taken into custody or pending medical examination and court disposition (A.R.S. § 8-501(6)).

W. "Regular License". A legal authorization to operate a group care agency, issued by the Arizona Department of Economic Security; a regular license which may be issued following a provisional license is valid for 1 year from the date of issuance and must be renewed annually.

X. "Satellite Home". A home used as living quarters for children and which is owned, leased or rented by a group care agency, and/or staffed by houseparents or child care workers who are employees of a group care agency.

Y. "School Psychologist". A person who is certified by the Arizona State Department of Education as a school psychologist or an assistant school psychologist.

Z. "Social Worker". A person who holds a master of social work degree from an accredited school of social work.

R6-5-7403. Letter of Intent - New Applicant

A. The prospective applicant shall prepare a responsive letter of intent to proceed with licensure, and return it to the Licensing Authority. The letter of intent shall include the following information:

1. The applicant's name, address, and telephone and telefacsimile numbers;
2. The name of the applicant's chief executive officer or administrator, with a description of that person's qualifications to operate the agency;
3. A description of community or statewide need for the service or program the applicant intends to provide;
4. A plan for financing the proposed agency during the first year of operation;
5. A statement that the applicant has conferred with the school district where the facility will be located to advise the district of any special needs that children likely to be in care at the facility may have; and
6. A description of the proposed agency's program and services, which shall address the following areas, if applicable:
 - a. Any organization from which the applicant will seek accreditation;
 - b. The form of on-campus educational programs the applicant will offer;
 - c. The characteristics of the children the applicant plans to serve;
 - d. The applicant's primary source of referrals;
 - e. The frequency and method by which the applicant will provide or offer psychiatric, psychological, or counseling services;
 - f. Whether the applicant will employ behavioral health practitioners, or contract for behavioral health services; and
 - g. A general description of the number and qualifications of the applicant's professional staff.

B. Within 10 work days of receiving a letter of intent, a licensing representative shall contact the applicant.

1. If the Licensing Authority determines that an applicant may require licensure as a behavioral health service agency under A.R.S. § 36-405 and 9 A.A.C. 20, the Licensing Authority shall refer the applicant to the Department of Health Services for evaluation. In determining whether to refer an applicant to DHS, the Licensing Authority shall consider the factors set forth on Appendix I to these rules.
2. For all other applicants, the representative shall schedule an appointment for a licensing consultation. The appointment shall occur within 45 calendar days of the date the Licensing Authority receives the letter of intent, unless the applicant requests a later consultation.
3. If DHS declines to license an applicant as a behavioral health service agency, and refers an applicant to the Department for licensure as a child welfare agency, the applicant shall contact the Licensing Authority to request a licensing consultation. The Licensing Authority shall schedule the consultation within 45 calendar days of the date of the request, unless the applicant requests a later consultation.

R6-5-7404. Responsibilities of the Department

A. The Department shall establish rules, regulations and standards for:

1. The licensing, annual re-licensing, classifying and supervising of group care agencies;
2. Uniform payments to group care agencies on the basis of services provided;

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3. The form and content of investigations, reports and studies concerning services provided by group care agencies and the licensing of group care agencies;
4. Denying, revoking or suspending licenses of group care agencies.
- B. The Department shall investigate and take action to prevent the continued operation of group care agencies being conducted or maintained without a license.
- C. The Department shall maintain a central registry of all licensed group care agencies.
- D. The Department shall require each licensed group care agency to keep records, as prescribed by the Department, regarding the foster children in its care, and furnish, upon request, all such records to the Department.
- E. The Department shall require each licensed group care agency to furnish to the Department a report, on the prescribed forms, of each placement, re-placement or removal of each child in foster care.
- F. The Department shall not be obligated to make referrals to licensed group care agencies, nor shall the Department be obligated to make payments except as provided for in contracts approved by the Department.
- G. The Department shall provide training, consultation and technical assistance to group care agencies.

R6-5-7404. The Licensing Consultation; Time for Completion of Application

- A. At the licensing consultation, a licensing representative shall review the licensing application form with the applicant. The licensing representative shall explain the requirements for licensure and shall advise the applicant about:
 1. The information and documentation the applicant must provide to complete the application or licensing process, as set forth in R6-5-7405;
 2. The fingerprinting and background checks required by A.R.S. § 46-141 and R6-5-7431;
 3. The need for a DHS health and safety inspection of the agency and each facility, and the process for scheduling the inspection;
 4. The need to obtain a fire inspection and zoning clearance for the each facility;
 5. The need to confer with the local school district to discuss any special educational needs that the children to be served may present;
 6. The timelines for submission of application information; and
 7. The need for the Licensing Authority to conduct a site inspection as prescribed in R6-5-7406.
- B. No later than 60 days after the licensing consultation, the applicant shall provide the Licensing Authority with a complete application package, as prescribed in R6-5-7405(A).
- C. If the applicant cannot provide the information within 60 days, the applicant shall contact the Licensing Authority to request an extension of time. The Licensing Authority shall allow an extension for a fixed period of time, which shall not exceed 120 days past the original 60 days.
- D. If the applicant fails to provide the information within the time periods specified in subsections (B) and (C), the Licensing Authority shall close the applicant's file and send the applicant a written notice of closure. An applicant whose file has been closed shall reapply.
- E. For an initial application, the administrative completeness review time frame described in A.R.S. § 41-1072(1) begins when the applicant submits the application form and the required documentation listed in R6-5-7405(A).

R6-5-7405. Operating without a license

- A. Every person, association, institution or corporation, whether operating for profit or without profit, which shall conduct or manage a group care agency shall obtain a license to operate, except state-operated facilities, detention facilities for children established by law, camps operating less than 12 months per year, and boarding schools where the child is away from the campus for at least 60 days per year (A.R.S. § 8-501(1)(c)).
- B. When the Department has reason to believe that a group care agency is being conducted or maintained without a license, it will make an investigation and, if necessary, take action to prevent such continued operation (A.R.S. § 8-507(A)).
- C. The Department may request the Superior Court to issue an injunction restraining the group care agency from operating without a license (A.R.S. § 8-507(B)).

R6-5-7405. Complete Application; Initial License - New Applicant

- A. A complete application package for an initial license of a new agency shall contain the information and supporting documentation listed in this subsection.
 1. Identification and background information: agency, facility, administrators.
 - a. Name, address, and telephone and telefacsimile numbers for the agency and all facilities operated by the agency;
 - b. Name, title, business address, and telephone and telefacsimile numbers of:
 - i. The person who serves as the chief executive officer (CEO) as prescribed in R6-5-7432(A);
 - ii. The person who serves as the program director as prescribed in R6-5-7432(B);
 - iii. The person with delegated authority to act when the CEO is absent;
 - iv. The person in charge of each separate facility as prescribed in R6-5-7432(C);
 - v. Persons holding at least a 10% ownership interest in the applicant; and
 - vi. The agency and facility medical directors, if applicable;
 - c. The educational qualifications and work history for each person identified in subsection (A)(1)(b), with that person's attached resume, employment application, or curriculum vitae;
 - d. A list of the members of the agency's governing body described in R6-5-7424, including: name, address, position in the agency, term of membership, and any relationship to the applicant;
 - e. A list of licenses or certificates for provision of medical or social services, currently or previously held by the applicant or persons listed in subsection (A)(1)(b), including those held in this state or another state or country;
 - f. A written description of any proceedings for denial, suspension or revocation of a license or certificate for provision of medical, psychological, behavioral health, or social services, pending or filed, or brought against the applicant or a person listed in subsection (A)(1)(b), including those held in this state or another state or country; and
 - g. A written description of any litigation in which the applicant or a person listed in subsection (A)(1)(b) has been a party, including, without limitation, collection matters and bankruptcy proceedings during the 10 years preceding the date of application.
 2. Business organization.

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- a. An organizational chart for the agency and each separate facility, showing administrative structure and staffing, and lines of authority;
 - b. Business organization documents appropriate to the applicant, including:
 - i. Articles of incorporation, by-laws, annual reports for the preceding 3 years; or
 - ii. Partnership or joint venture agreement;
 - c. For corporations, a certificate of good standing from the Arizona Corporation Commission or comparable entity from a foreign state; and
 - d. A statement as to whether the applicant is for-profit or not-for-profit if not explained in other documents already provided.
3. Staff.
- a. A list of the applicant's paid staff, including:
 - i. Name;
 - ii. Position or title;
 - iii. Degrees, certificates, or licenses held;
 - iii. Business address;
 - iv. Date of hire;
 - v. Date of last physical; and
 - vi. Date of submission for fingerprinting and background clearance;
 - b. Evidence that staff have submitted fingerprints and criminal background information, as prescribed in A.R.S. § 46-141 and R6-5-7431 and obtained a physical exam as prescribed in R6-5-7431(F); and
 - c. For any staff whose primary residence is the facility,
 - i. The name and date of birth of any persons residing with the staff member;
 - ii. Evidence that any adult residing with the staff member has submitted fingerprints and criminal background information as prescribed in R6-5-7431 and is free from communicable diseases posing a danger to children in care, as prescribed in R6-5-7431(H); and
 - iii. Evidence that the staff member's children who reside at the facility have current immunizations.
4. Financial Stability.
- a. A written, proposed operating budget for start up and the first year of operation;
 - b. Verifiable documentation of funds available to pay start-up costs; the funds shall be in the form of cash or written authorization for a line of credit;
 - c. Verifiable documentation of funds available to pay operating expenses for the 1st 3 months of operations; the funds shall be in the form of cash or written authorization for a line of credit;
 - d. Verifiable documentation of financial resources to operate in accordance with the proposed operating budget for the remaining 9 months of the licensing year; the resources may include:
 - i. Cash;
 - ii. Contracts for placement;
 - iii. Donations;
 - iv. Grants; and
 - v. Authorization for a line of credit;
 - e. If the applicant or 1 of the persons listed in subsection (A)(1)(b) has operated any child welfare agency in this state or any other state during the past 10 years, the most recent financial statement and financial audit for that agency, unless the most recent statement or audit is more than 10 years old; and
 - f. A certificate of insurance, or letter of commitment from an insurer, showing that the applicant has insurance coverage as prescribed in R6-5-7426.
5. Program.
- a. Informational or advertising material about the agency and its facility;
 - b. For each facility, a written description of:
 - i. All services the applicant intends to provide;
 - ii. The number and type of children the applicant will serve, including: age, gender, special needs, or particular behavior problems;
 - iii. The anticipated sources of placement and referral;
 - iv. Number and qualifications of paid staff who will provide services, including the staff-child ratio, per living unit, during a 24-hour day, for a 7-day week; and
 - c. Program description, including:
 - i. Goals and objectives;
 - ii. Educational activities, with attached copy of Arizona Department of Education approval, if applicable;
 - iii. Recreational activities;
 - iv. Food and nutrition, with sample menus;
 - v. Behavior management practices;
 - vi. Religious practices, if any; and
 - vii. Medical services.
6. Documentation, Forms and Notices. Samples of all documents, forms, and notices which the applicant will use with or provide to children placed with the agency, the parents and guardians of those children, and the persons and entities who place children, including:
- a. Agency application for services;
 - b. Agency placement agreement;
 - c. Intake form;
 - d. Child's case file and medical record;
 - e. Forms for reports to courts and placing agencies;
 - f. Statement of client rights;
 - g. Unusual incident reports; and
 - h. Sample medication logs.
7. Policies and Procedures. The applicant's internal policies, procedures, and operations manual.
8. Physical site and environment.
- a. The floor plan for each facility;
 - b. A DHS health and safety inspection report for each facility;
 - c. Documentation showing that the local zoning authority verifies that each agency facility complies with all applicable zoning requirements;
 - d. Fire safety inspection report from the state fire marshal or a local fire department inspector for each facility;
 - e. Any water supply report as prescribed in R6-5-7458(D);
 - f. Gas equipment inspection report as prescribed in R6-5-7465(D)(1); and
 - g. Any other inspection certificates or reports prescribed in this Article, and any building occupancy certificates.
9. Miscellaneous.
- a. A statement authorizing the Department to investigate the applicant;
 - b. The signature, under penalty of perjury, of the agency administrator or person submitting the application, attesting to the truthfulness of the information contained in the application; and

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c. The date of application.

- B. If an applicant has attached a copy of a policy or procedure which describes the applicant's practice or procedure on a particular issue, the applicant need not separately describe the policy or procedure on the application form, but shall indicate that the description is contained in a particular identified and attached policy.
- C. If the Licensing Authority needs additional information to determine the applicant's fitness to hold a license or an operating certificate, ability to perform the duties of a licensee as prescribed in this Article, or ability to fulfill the requirements prescribed in the applicant's policies, procedures, and program description, the Licensing Authority may require the applicant to provide additional information, including a signed form permitting a specifically named person or entity to release information to the Licensing Authority.
- D. An agency which does not have or is unable to obtain all or part of the information or supporting documentation listed in subsection (A) shall so indicate in a written statement filed with the application. The written statement shall explain why the information or documentation is unavailable.

R6-5-7406. Licensing requirements

A. Consultation

1. Individuals, associations, institutions or corporations considering the establishment of a group care agency shall consult the Social Services Bureau of the Department about such plans before a specific program is developed, before action is taken to establish such an agency, and before an application is filed.
2. Consultation is also available to currently licensed group care agencies to amend and upgrade services, develop needed new services and evaluate current services being provided.

B. Application. Individuals, associations, institutions or corporations, whether operating for profit or without profit, shall conduct or manage a group care agency shall make written application to the Department on the prescribed forms.

C. Fingerprints

1. All group care agency staff and any adults living on the premises must be fingerprinted and the fingerprints submitted to the Department for a criminal records check.
2. A license for a group care agency will not be issued, or will be revoked, if any staff member or any adult living on the premises has ever been convicted of a sex offense, has been involved in child abuse, child neglect, selling narcotics, or contributing to the delinquency of a minor, or has a substantial criminal offense record.

D. Demonstration of health

1. Each staff member shall furnish the group care agency, on the prescribed form a physical examination report by a licensed medical practitioner prior to employment and annually thereafter.
2. Physical examinations must demonstrate that the person has good health and is free from any communicable disease.
3. The group care agency director shall notify the Department when an individual working or residing in the group care agency contracts a disease or illness which may present a threat to the health of the foster children.
4. Any adults living on the premises shall also furnish the group care agency, on the prescribed form, an annual physical examination report by a licensed, medical practitioner.
5. All children of staff and of other adults living on the premises shall have current immunizations as prescribed by the Arizona Department of Health Services.

E. Age

1. Each person employed by a licensed group care agency shall be at least 18 years of age.
2. Each child care staff member shall be under 65 years of age.

F. Demonstration of need. Evidence of need shall consist of:

1. Communications from child placing agencies concerning the need for the specific planned services of the group care agency; or
2. Recent research data establishing the gaps in service.

G. Licensing study

1. A study will be made by an authorized representative of the Department to evaluate the potential and actual ability of the group care agency in this specific physical plant to provide care and services to children placed in the facility according to the standards prescribed in this Article.
2. To obtain this information, the authorized representative of the Department must make at least 1 visit to inspect the facility, evaluate the location and interview the director and staff.
3. In addition, the authorized representative of the Department shall review documentary evidence provided by the group care agency director regarding agency operations and services to be provided.
4. The Department shall delegate to the Department of Health Services the responsibility of inspecting the premises of each group care agency for sanitation and other hazards, actual or potential. The Department may delegate any additional inspections, examinations or studies, including but not limited to the inspection of the premises for fire hazards, to any agency department, political subdivision or governmental entity deemed appropriate. (A.R.S. § 8-504).

H. Provisional licenses

1. A provisional license shall be issued to any group care agency that is temporarily unable to conform to all licensing standards, and where the deficiencies are minor, correctable and not potentially injurious to the safety or welfare of the foster children, and the group care agency agrees to correct the deficiencies.
2. A provisional license is valid for up to 6 months and may not be renewed.
3. Prior to the expiration of the provisional license, a review of standards will be conducted by the Department to determine the eligibility for regular licensing. The group care agency must meet all licensing standards for the issuance of a regular license.

I. Contracts. Subsequent to receiving its regular license, if the group care agency is to be used by the Department, a contract provider agreement must be signed.

R6-5-7406. Site Inspection

- A. After receiving a complete application package, the Licensing Authority shall notify the applicant that the application is complete, and shall schedule the applicant for a site inspection, which may require more than 1 visit to a site.
- B. The site inspection shall begin no later than 45 days after the Licensing Authority receives the applicant's completed application package.
- C. During the site inspection, the licensing representative shall:
1. Inspect the facility to ensure that any deficiencies identified in the DHS inspection report have been remedied;
 2. Verify that the facility meets the requirements of this Article;
 3. Review the applicant's policies and procedures;
 4. Review model client files;
 5. Review personnel files;

6. Inspect the applicant's books, records, and proposed forms;
 7. Interview 1 or more of the applicant's governing board members, incorporators or organizers, and a representative sampling of staff who have been hired; and
 8. Inspect the applicant's computer security system and review the applicant's confidentiality safeguards.
- D. For an initial application, the administrative completeness review time frame described in A.R.S. § 41-1072(1) is 75 days. Before expiration of the time frame, the Licensing Authority shall send the applicant written notice of administrative completeness or deficiency as prescribed in A.R.S. § 41-1074(A).
- E. If the applicant does not supply the missing information, as prescribed in the notice, within 60 days of the notice date, the Licensing Authority may close the file. An applicant whose file has been closed, who later wishes to become licensed, may reapply.

R6-5-7407. Denial, suspension or revocation of a license

- A. The Department shall deny, suspend or revoke any license when:
1. The group care agency is not in compliance with the licensing standards of the Department, Arizona state or federal statutes, city or county ordinances or codes; or
 2. The physical and/or emotional needs of foster children are not met; or
 3. Needed medical care is not arranged, or when a foster child's medical and/or psychiatric plan or treatment is not followed; or
 4. There is material misrepresentation to the Department by an employee or director of a group care agency relating to the services available or services provided to children in care, or relating the physical, sexual, or emotional abuse of children in care.
- B. When an initial application or an application for renewal of a license is denied, or a license is revoked or suspended, a written notification of the action shall be forwarded by certified mail to the applicant or licensee.
1. The written notice shall state the reasons for denial, revocation or suspension with references to applicable statutes, regulations and standards.
 2. The Department shall notify the group care agency of the right to request a hearing within 20 days after receipt of the written notice.
 3. When a hearing is requested, the denial, suspension or revocation of a license shall not become final until after the hearing decision is published.
 4. Refer to Title 6, Chapter 5, Article 24, Appeals and Hearings.

R6-5-7407. Licensing Study

- A. The licensing representative shall summarize the results of the site visit, and other information gathered during the licensing process in a written licensing study, which shall be the basis for the licensing decision.
- B. The licensing study shall describe whether the applicant has:
1. Complied with all application and inspection requirements; and
 2. Demonstrated that it has:
 - a. The capital to pay all start-up costs and the financial ability to meet 1 year's operating expenses, as prescribed in R6-5-7405(A)(4);
 - b. The staff, expertise, facilities, and equipment to provide the services it plans to offer; and
 - c. The ability and intent to comply with the standards and requirements of this Article.

- C. The applicant may obtain a copy of the licensing study, upon request.

R6-5-7408. License renewal requirements

- A. Every regular license shall expire 1 year from the date of issuance and may be renewed annually upon application of the group care agency.
1. License renewal is not automatic.
 2. License renewal requires:
 - a. A consultation;
 - b. An application;
 - c. A written description of services provided;
 - d. Physical examinations of staff;
 - e. Licensing study.
 3. For license renewal, each group care agency must meet all standards for licensing as specified in this Article.
- B. An application for the renewal of a license for a group care agency shall be made in the same manner as the original application. A licensee should reapply when:
1. The present license will expire within 30 to 60 days; or
 2. There is a plan to move within 30 days from the address on the current license
 3. There is a change in the original program and or purpose of the group care agency; or
 4. There is a change in the ownership of the group care agency.

R6-5-7408. Licensing Decision: Issuance; Denial; Time Frames

- A. The Licensing Authority shall issue a written licensing decision within 30 days of concluding the applicant's final site visit. This 30 day period is the substantive review time frame required by A.R.S. § 41-1072(3).
- B. The licensing decision shall explain whether the Licensing Authority will grant or deny a license, and the terms of the license.
1. If the Licensing Authority grants a license, the Licensing Authority shall send the license and any operating certificates with the notification letter.
 2. If the Licensing Authority issues a provisional license as prescribed in R6-5-7419 or denies a license, the Licensing Authority shall send the notice by certified mail. The notice shall contain the information listed in R6-5-7421(B) for a notice of adverse action.
- C. The overall time frame for an initial license is 105 days.

R6-5-7409. Standards for licensing and operating a group care agency

- A. Requirements for the staff of a group care agency
1. Administrators/executives
 - a. Responsibilities
 - i. The administrator or director shall be the person responsible for the overall business and program management. He shall administer the affairs of the agency according to the required standards prescribed herein and according to other official policies of the agency which are not in conflict with these standards.
 - ii. The administrator shall not be assigned or expected to carry any primary responsibility for fund raising or other activities that necessitate long or extended absences from the institution, or any other duties which interfere with his administrative responsibilities in conducting the residential or foster care program.
 - iii. The group care agency shall not be left, at any time or under any circumstances, without a

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- properly designated, administratively responsible person on the premises, or readily accessible to handle problems which may arise.
- b. Qualification. A newly appointed administrator shall have received a baccalaureate degree and shall have had 2 years of successful work experience with children in the field of institutional management, social work, education, religious education, or other allied professions. In lieu of an undergraduate college degree, he shall have attained an Associate of Arts degree (2 years) and 4 years' experience in 1 of the fields indicated above, or he shall have achieved high school graduation and he shall have completed at least 8 years of successful work experience including administrative responsibility in 1 of the fields indicated above.
2. Professional staff.
- a. Professional staff, who are employed or whose services are used by the agency shall have the special qualifications, obtained through training and experience in their respective fields, to render satisfactorily the services expected of them. Such staff include all medical and health specialists, caseworkers, social workers, nutritionists, psychologists, psychiatrists, counselors, and other persons whose professional training ranks them as specialists in their particular fields of services.
- b. The administrative head of the institution shall be generally responsible for seeing that each child under care receives the professional services needed; that the services are performed by persons qualified in their respective specialties; and that there is coordination among those who directly render such services.
- i. Health
- (1) A medical director, or consultant, responsible to the administrator shall be designated to assure that a comprehensive program of medical care, covering both children and staff, is planned and carried out according to the needs of the children, the staff, and the group care agency.
- (2) The medical director, or consultant, shall:
- (a) Be a physician, licensed in the state of Arizona to practice medicine in all its branches.
- (b) Participate in the establishment of the agency's written medical policies and supervise the medical and public health program of the facility, including admission, periodic examinations, immunizations, and treatment programs.
- (c) Provide appropriate consultation, instruction, and education for the agency staff.
- (d) Advise on the appointment of other medical consultants and specialists whose services are required and help establish that either professional status qualified them to perform the services.
- (3) Psychiatrists, licensed in Arizona, who treat children or serve as consultants to the agency shall have met the special requirements for practice and shall be able to offer the services needed in a child care program. This requires practice in or special knowledge of child psychiatry.
- (4) Dentists, whose services are used for children under care, shall be licensed in the state of Arizona and able to provide the services connected with the dental care and treatment of children.
- (5) Nurses—all nursing staff shall be licensed by the state of Arizona.
- ii. Social services and/or counseling staff
- (1) Each agency providing therapy shall have sufficient social service and/or counseling staff to provide satisfactory services. Agencies providing care to children shall employ a caseworker, social worker, or counselor at least on a part-time basis. Treatment institutions caring for up to 20 children shall have a full-time caseworker, social worker, or counselor on the staff. There shall be a caseworker or social worker for each additional 20 children or fraction thereof. Agencies providing only custodial services shall delegate someone to act as a case aide to work with the children and maintain the case records.
- (a) Social workers should have professional training acquired through graduation and by a degree from a recognized school of social work. Counselors should have a master's degree in counseling.
- (b) Caseworkers should have a bachelor's degree from an accredited 4-year college or university.
- (c) The casework supervisor, if employed, shall possess above average ability in casework practice and have knowledge of and skill in casework supervision. The supervisor should have a bachelor's degree and at least 3 years of casework experience in a recognized family or child welfare agency.
- (d) Caseworkers and counselors shall possess knowledge of casework or counseling principles and should have the ability to apply these principles in working with the children in the agency.
- (e) Case aides who have a liking for, and an interest in, working with people may assist the caseworkers and counselors with certain functions. Employees in this classification must have qualified supervision. They shall not assume the full responsibilities and duties normally assigned to professionally trained caseworkers, social workers, and counselors.
- (f) Social work and counseling students, when placed in an agency, shall work under qualified supervisors for the purpose of training and experience but shall not be considered, or used as, a substitute for employed profes-

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- sional staff.
- (3) ~~Psychologist. Psychologists, whose services are used in behalf of children, shall meet the requirements necessary for state certification and shall be able to apply their practice in the field of child care.~~
- (4) ~~Teachers. Teachers employed in the agency's educational program, offering academic credit, shall meet the requirements of the Department of Education. Such teachers shall have the ability to work cooperatively with other agency staff in meeting the educational needs of the children served.~~
3. Child care staff. Persons serving as child care staff and/or houseparents, fill positions of primary importance in the direct care of children. They represent the primary parental figures and authority to the children under care. They attend the children day in and day out, caring for their most intimate, personal needs. The importance of persons in direct child care positions requires that they be selected for certain special qualifications and characteristics. The required qualifications are as follows:
- a. ~~Child care staff shall above all have warmth and ability to understand, enjoy and be comfortable with children in an intimate, group living situation. They should have the ability to develop further knowledge and skills in working with the problems and behavior of the children served.~~
- b. ~~They shall be emotionally mature adults and be able to withstand the physical strain and personal stresses in carrying responsibility for a group of active, often aggressively acting out, and disorganized children.~~
- c. ~~They should be young enough to engage in activities of the group, or with individual children within the group, as their needs require.~~
- d. ~~Their own personal attitudes, conduct, and standards should represent those qualities and values which children need to respect and emulate.~~
- e. ~~They should be able to respect and work cooperatively with a variety of persons, including co-workers, members of the board, representatives of social agencies, the public, and parents of the children.~~
- f. ~~There shall be continuous in-service training for child care staff to increase their knowledge and skills in supervising and training children.~~
- g. ~~The child care staff should have completed a Red Cross First Aid Course.~~
4. Relief staff
- a. ~~Relief personnel shall be part of the regular staff, familiar to the children and familiar with the program of the agency.~~
- b. ~~Relief staff shall meet the qualifications of the regular staff.~~
- c. ~~Sufficient relief staff shall be employed to allow regular time off for all employees.~~
- d. ~~Relief for child care staff/houseparents shall be arranged to provide continuity of care and supervision of the children.~~
5. Office staff. The agency shall have sufficient clerical services to keep correspondence, records, bookkeeping, and files current and in good order.
6. Kitchen staff
- a. ~~The kitchen staff shall include sufficient cooks and kitchen helpers so that child care staff will be able to~~
- ~~give uninterrupted care and supervision to the children for whom they are responsible.~~
- b. ~~Cooks shall have had experience in quantity cooking that enables them to prepare appetizing and nutritious meals in accordance with the needs of the children.~~
- c. ~~Cooks shall be able to accept the program and philosophy of the agency as well as have ability in the care and preparation of food for children.~~
- d. ~~All persons assisting in the preparation of food shall hold a food handler's card.~~
7. Housekeeping and maintenance staff
- a. ~~Housekeeping and maintenance staff shall be selected for their personal qualities as well as skill in their particular jobs, since all in the agency are involved, to some degree, in relationships with children.~~
- b. ~~There shall be sufficient staff so that the operation and maintenance of the agency shall not be dependent upon the work of the children or the child care staff when such duties interfere with their supervisory responsibilities and other child care duties.~~
- B. Requirements for the organization of a group care agency
1. ~~Type of organization. A group care agency may operate as a private facility under a proprietary arrangement or may be operated as a profit or nonprofit corporation.~~
2. ~~Incorporation~~
- a. ~~A child-caring institution may incorporate as a profit or nonprofit corporation under the laws of Arizona. Information about the laws of Arizona relating to corporations may be obtained from the Arizona Corporation Commission.~~
- b. ~~Incorporation has several advantages; such as, greater stability of organization, fixed liability for debts and obligations of the corporation, and protection against personal liability.~~
- c. ~~The group care agency shall provide the Department with a copy of the articles in incorporation and bylaws, and the Certificate of Incorporation issued by the Arizona Corporation Commission.~~
3. ~~Board of Directors~~
- a. ~~All nonprofit agencies shall have a board of directors and proprietary agencies are encouraged to have a board of directors or similar group. The Department shall be provided a current list of all board members, their address and office held. All changes in board composition must be reported to the Department in writing within 30 days.~~
- b. ~~Persons employed or associated with a child-placing agency may not be board members of a group care agency due to a possible conflict of interest.~~
- c. ~~The board of directors shall:~~
- i. ~~Assume responsibility, jointly with the executive, for formulating the plan and policies of the group care agency.~~
- ii. ~~Keep sufficiently informed through board meetings and through the reports of its executive and committees in seeing that the agency fulfills all of its functions in the best interest of the children.~~
- iii. ~~Meet at least quarterly. Its executive committee shall meet as needed.~~
- iv. ~~Keep minutes of each meeting which shall be made a permanent part of the records of the group agency.~~

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- v. Refrain from direct administration or operation of the group care agency, either through individual members or committees, except in emergencies.
 - vi. Select and employ an executive to whom the responsibility for administration of the agency shall be delegated and, when necessary, terminate such employment.
 - vii. Determine what needs are to be met, and provide financial and other means to meet them.
 - viii. Require and approve the group care agency's annual program and financial reports.
 - d. It is desirable that the board of directors be composed of adult citizens who have a genuine interest in child welfare, concern for social conditions in the community, and sufficient time to discharge their obligations as board members. The board members should have a variety of interests, talents, and points of view so that no single group or profession will have a controlling voice.
 - e. The names, addresses and offices held of all members of the board of directors shall be currently filed with the Department. All changes in composition of the board of directors or officers of the group care agency must be reported to the Department in writing within 1 week of a change.
 - f. Provision should be made for replacement of members who become inactive for long periods of time. The overlapping of terms with the election of 1 third of the board membership annually is recommended to insure the continuity of policy, as well as the introduction of new and changing points of view. Administrators and staff of the group care agencies shall not be members of the board of directors. Incorporated agencies which currently have administrators or staff members on their boards of directors will have 1 year from the date of issuance of these standards to bring their boards of directors into compliance.
4. Financing
- a. Requirement for sufficient funding. In order to be licensed or to maintain a license as a group care agency, an agency must have a sound plan for financing to provide proper care for children. A new agency must furnish evidence that it has sufficient funds to pay all start-up costs and operating costs through the first year of operation.
 - b. Budget and financial records.
 - i. The group care agency shall operate on a budget which has been approved by its governing board before the beginning of the fiscal year. The current budget of the group care agency shall reflect sufficient funds to pay the costs associated with the program.
 - ii. A group care agency must maintain financial records of all receipts, disbursements, assets, and liabilities. These records shall be available for inspection by Department representatives. Records shall be retained for 3 years unless these records are involved in an audit; and in this contingency, records shall be retained until the audit is completed.
 - c. Accounting procedures. Any provider of services who receives funds from the Department for the cost of services provided under these regulations shall:
 - i. Meet accepted standards of fiscal accountability of public funds.
 - ii. Annually submit to the Department a complete audit by an independent certified public accountant or a public accountant, registered by the Arizona State Board of Accountancy. The auditor shall not be an employee of the agency nor a member of the board of directors.
 - iii. Prior to the annual contracting process, provide financial statements reflecting annual costs for the first 6 months of the current fiscal year, plus estimated costs for the remainder of the fiscal year. The agency must also provide a proposed service delivery plan and a proposed budget for the next fiscal year.
 - iv. Upon request, furnish the Department all fiscal information, books, records, and accounts pertaining to services paid for under these regulations.
 - d. Determination of rates for service. Rates for purchase of services shall be determined per child, per month based upon current fiscal year allowable costs, the proposed annual budget, and the proposed service delivery plan.
 - e. Solicitation of funds from the public. Each group care agency shall comply with all local and State laws relating to the solicitation of funds.
5. Operations manual. Each agency shall compile an operations manual. It shall be available to all agency staff members, and all staff members shall be familiar with the contents. It shall contain:
- a. The overall philosophy which guides the agency's services.
 - b. A statement of the primary purpose, services, and goals of the agency.
 - c. A chart of organization structure.
 - d. The agency's intake policies and procedures.
 - e. The manual of the agency's governing board.
 - f. The agency's personnel policies and practices.
 - g. The operational procedures which guide the delivery of the agency's services.
 - h. The agency's policies and practices regarding the discipline of children in care.
 - i. Copies of the agency's forms.
6. Records and reports
- a. Files. The records shall be kept in a locked, fire-resistant file apart from the living area of the children. Access to records shall be limited to the staff who have need for the data.
 - b. Case records
 - i. The agency shall maintain up-to-date, confidential and well-organized case records. Each child's record should indicate, from the point of admission to discharge, the service plan and the progress of the child.
 - ii. The form and content of case records may vary somewhat but records shall include the current information needed to provide services, make plans, and evaluate each child.
 - iii. It is suggested that the case record be divided into sections for easy reference, with the material filed under the following headings, as appropriate:
 - (1) Intake—intake study, including referral material from other agencies, court, or referral sources;

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- (2) ~~Legal—specific verified information relative to the status of the child's legal guardianship and custody. Statements, agreements, and consents signed by parent(s) or guardian(s) pertaining to the child's placement, financial responsibility, and other data required for protection of the child;~~
- (3) ~~Medical—medical history, including immunizations, physical defects, significant developmental history, illnesses, and hospital care and/or operations. Medical releases and/or authorizations for treatment or medical care, including the names of medical personnel involved. Records of all prescription medications consumed;~~
- (4) ~~Dental—date of examinations, etc.;~~
- (5) ~~Psychological—reports of psychological and/or psychiatric evaluations and examinations;~~
- (6) ~~Progress—periodic (not less than every 3 months) evaluation of the child's progress, adjustment, development and future plans and goals.~~
- (7) ~~School—school records indicating attendance and scholastic achievement;~~
- (8) ~~Correspondence—letters received or sent concerning the child;~~
- (9) ~~Each record shall have a face sheet listing the following information which shall be kept up-to-date;~~
 - (a) ~~Full name of child, including aliases;~~
 - (b) ~~Date and place of birth (verified);~~
 - (c) ~~Sex;~~
 - (d) ~~Religion and race;~~
 - (e) ~~Names and addresses of parents and siblings;~~
 - (f) ~~Names, addresses and relationships of other responsible persons;~~
 - (g) ~~Date admitted to the agency;~~
 - (h) ~~Date discharged from the agency;~~
 - (i) ~~Person or institution to whom child was discharged;~~
 - (j) ~~Other pertinent identifying information. School, psychological, dental and medical information should be given to the placing agent at the time of discharge.~~
- e. ~~Reports. Each agency shall maintain and report accurate statistics on children under care and staff employed, on forms provided for that purpose by the Department. Written reports shall also be made to placing agencies as required. These reports shall include:~~
 - i. ~~Forms FC 005 (replaces DPW Form 411A), "Foster Child Placement, Replacement and Discharge Central Registry Form", which must be submitted within 5 working days of the date action is taken.~~
 - ii. ~~Form LC008 (replaces DPW Form 1002), "Child Welfare Agency Employee Central Registry", which must be submitted within 5 days of employment or discharge.~~
 - iii. ~~Other information and/or reports deemed necessary by the Department.~~
 - iv. ~~A written progress report shall be submitted quarterly to the placing agency responsible for the child. For children placed by private arrangements, the quarterly progress report shall be submitted to the parent or guardian.~~
 - v. ~~The agency shall immediately report verbally a child's running away, with follow up written confirmation, to the placing agency. Each agency shall report immediately to the Department, and/or child placing agency any unusual occurrence such as a death, injury, alleged abuse or exploitation of any child, major fire or other emergency situations. When the occurrence involves a state ward, both the state and the district offices shall be notified. The agency shall report to the placing agency the runaways and any other periods of time exceeding 24 hours when a child is not under the direct supervision of the group care agency's staff. Within 1 working day, reports are made to the placing agent supervising the child. The child placing agency should be notified prior to transferring children from 1 facility to another.~~
- 7. ~~Insurance. The group care agency should provide for insurance coverage for adequate protection against financial loss and accidents. The agency shall have liability insurance covering bodily injury of children in care, as well as damage to the personal property of the children, in the minimum amount of \$100,000 per person; \$300,000 per accident.~~
- 8. ~~Confidential Data~~
 - a. ~~Information concerning children in care, children who have been considered for placement, children who have been discharged from care, and their parents, shall be regarded and handled as confidential by all persons involved in the care of the children. Any violation will result in revocation of the agency license.~~
 - b. ~~Group care agencies shall not release the names or photographs of children to newspapers, magazines, radio or television stations, or other forms of mass media. Unauthorized disclosure can result in license revocation.~~
 - c. ~~Refer to Title 6, Chapter 5, Article 23, "Safeguarding of Records and Information."~~
- C. ~~Requirements for the personnel of a group care agency~~
 - 1. ~~Personnel practices. An agency shall employ an individual only after careful evaluation of the applicant which will include references as to character, skills, and knowledge.~~
 - 2. ~~Personnel policies. The agency shall maintain a manual of all personnel policies and procedures including job descriptions and all personnel forms. The written statement of personnel policies outlining personnel practices as they affect both employer and employee should include:~~
 - a. ~~The conditions of employment and the conditions under which employment may be terminated.~~
 - b. ~~Salary scales.~~
 - c. ~~Provision for sick leave, time off, and paid vacation.~~
 - d. ~~Information regarding employment benefits, such as retirement and insurance plans.~~
 - e. ~~Provision for periodic assessment of work performance.~~
 - f. ~~Provision for staff development through in-service training.~~

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3. Personnel records

- a. A confidential personnel record shall be maintained for each employee. This shall include identifying and qualifying information; such as, references, previous work history and education, date of employment and evaluation. It shall include a medical report at the time of employment plus annual medical reports.
- b. If the child care staff consists of a husband and wife and their children residing in the home with foster children, there shall be a current medical report on all adults in the household and a current record of immunizations of their children.
- c. If an employee transports children, a current record of the date of the driver's or chauffeur's license should be included in the file.
- d. When employees resign, retire, or are discharged, the date and reason for termination shall be recorded.

D. Supervision and care of the children

1. Planning for the child

- a. The agency shall develop a plan of care and/or treatment for each of the children in residence in conjunction with the placing agency.
- b. During the intake process, the staff shall develop a written set of goals for the child.
- c. The plan for the child and the progress he is making to meet the set of goals shall be re-evaluated at least every 3 months. This evaluation shall take the form of a case conference in which all staff members who work with the child, his family, and the child placing agent, participate. A summary of the conference, including recommendations and revisions of the plan, shall be written in the child's case record.
- d. The intake plan, the re-evaluation summary and any reformulation of the plan shall all be written and shall become a permanent part of the child's records.
- e. Copies of the intake plan, the re-evaluation summary and the information of the plan shall be shared with the agency which referred the child for care.

2. Participation in community life

- a. The child care staff shall provide care, training, guidance, and controls. It will be the responsibility of the caretakers to see that the child attends school as required by law. If a child is excluded from public school or cannot benefit from regular school attendance, special education or training programs shall be sought, and, whenever possible, provided for the child. Every child shall be given the opportunity to complete school or vocational training in accordance with the youth's aptitudes.
- b. The caretakers will plan for recreational activities and promote the kinds of experiences that will aid the children in their development and functioning.
- c. The caretakers shall at no time leave children overnight unless attended by a responsible adult. Children under 12 years of age or an older child who needs special care for physical, mental, or emotional reasons shall never be left unattended.
- d. The caretakers shall not release a foster child to anyone for care other than the agency or person from whom the child was received or a person designated by the child placing agency.
- e. The caretaker shall provide training in good health practices, including proper habits in eating, bathing,

personal grooming and hygiene appropriate to the child's age and needs.

- f. Caretakers should plan activities that stimulate and provide for social relationships, creative activities, and hobbies. Each child should have opportunities to participate in neighborhood, school, and other community groups appropriate to the age and needs of the child.
- g. With the approval of the child placing agency, youngsters should have the opportunity to invite friends to the residential facility and to visit in the home of friends.

3. Maintenance of appropriate family relationships

- a. The agency shall make every reasonable effort to maintain meaningful ties between the child and his family. This would include provision for letter writing between parent and child, parental visits, and home visits by the child when appropriate. Insofar as is possible, parents shall be involved in the planning and decision-making process concerning the child and shall be kept informed of the general progress of the child. Whenever feasible, the aim and purpose of the program shall be to return the child to his own home.
- b. The caretakers shall provide and encourage reasonable opportunities for the child to maintain contact with all family members and with other individuals important to the child's welfare. A child shall not be denied opportunities to visit with the parent(s) or guardian unless such visits have been restricted by court action or when the placing agent has advised that the visit would be detrimental to the welfare of the child.

4. Religious training

- a. Each child shall be provided the opportunity to have religious training.
- b. A child shall be encouraged to attend the church of his faith or the faith of his parent(s), but attendance shall not be mandatory.

5. Discipline and controls

a. General standards

- i. Limit setting or discipline must be fair and consistent, and every effort should be made to help the child see it as such. The child's acceptance of limits and his ability to profit by structure depend largely on the feeling that he is liked and accepted by the staff member who is working with him. There shall be no deprivation of food or clothing, denial of visits from relatives, as a means of punishment.
- ii. Requests made of children and standards set for them should be reasonable and within their ability to understand and achieve.
- iii. No child, or group of children, shall be allowed to punish another child as a form of discipline. Group pressures and group values can, however, have a constructive place in the training of children.
- b. Corporal punishment. Corporal punishment, or other cruel punishment, will not be permitted in group care agencies. Punishment which is humiliating or degrading shall not be used. The methods of helping a child develop self-control should always be thought of in terms of treatment, the purpose of which is to change attitudes, as well as behavior.
- c. Restraint

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- i. When a child's actions are physically dangerous to a staff member, another child, or himself, such measures as are necessary may be resorted to as a protective and defensive measure. Documentation of any action so taken must be filed in the child's record within 24 hours of such action.
- ii. Room confinement shall not exceed 24 hours in duration. It shall not be solitary confinement, but shall provide contact with staff, and some constructive activity. It shall not be enforced idleness.
- iii. Physical restraint may not be used for punitive purposes. Only the courts may order children restrained as punishment. Hence, any use of physical restraints by group care agencies must be both reasonable and nonpunitive.
- d. Controls. A group care agency must be able to provide needed controls while abiding by these standards. Failure of an agency to provide controls necessary for the welfare of children in their care shall be grounds for suspension or revocation of their license. The following may also be grounds for suspension or revocation of a license:
 - i. Permitting children in their care to commit illegal acts.
 - ii. Failure to take appropriate remedial action when children in their care commit delinquent acts.
 - iii. Failure to report immediately the runaway of children placed in their care by public or private agencies or through private arrangements.
 - iv. Providing or permitting the use of alcohol or drugs, unless prescribed by a licensed physician, while at the agency or at any other location while in the care of the agency.
- 6. Clothing and personal items
 - a. All children shall have their own clothing. They shall have training and help in selection and proper care of clothing, as appropriate. Clothing shall be suited to the existing climate and seasonal conditions. Clothing shall be becoming, of proper size, of the character usually worn by children and adolescents in the community, and adequate in amount to permit laundering, cleaning and repair.
 - b. There shall be adequate closet and drawer space for children, in or near their living areas, to permit access to their clothing.
 - c. As appropriate, laundering, drying, and sewing facilities shall be accessible, and all necessary provisions shall be made for the protection of children's property.
- 7. Health care of children. Group care agencies shall take appropriate measures to safeguard children in their care by providing health services based on well defined written health policies and procedures.
 - a. Health examinations
 - i. Each child shall be given a complete physical examination upon admission, or as soon as possible thereafter, but within 48 hours. Such examination may be waived, however, when:
 - (1) There is proof by accompanying record that such examination was given within 72 hours prior to admission;
 - (2) There appears to be good clinical reason for delay, in which case at least a cursory examination shall be made to rule out the presence of communicable disease and to determine the child's readiness to participate in the agency's program. This decision should be made by health staff.
 - ii. Children who participate in competitive sports shall be examined prior to engagement in the sport to determine their physical capacity for participation.
 - iii. Children under 6 shall be examined at intervals generally prescribed by the field of pediatrics.
 - iv. Children of school age, 6 and older, shall be examined every year or more frequently if findings and medical opinion indicate need.
 - v. Acceptable growth guides will be used and maintained as part of the record of each child. The plotting of height and weight measurements shall be as prescribed by the field of pediatrics.
 - vi. Dental examinations should be given every 6 months to children over 3 years of age.
 - vii. The results of physical and dental and nutrition examinations and evaluations shall be recorded in the child's file. Any special needs observed, or follow up care and treatment needed, shall be recorded and acted upon.
 - viii. Information of food allergies/intolerance's, with the date of diagnosis and dietary regime and feeding skill problems, shall be recorded in the health record and on discharge information.
 - b. Health care. The following principles and procedures shall be followed by all agencies in providing health care, treatment, and evaluation:
 - i. Arrangements should be made for and/or with health care and treatment facilities to minimize and prevent health problems and illness, to give proper attention to those who are ill, and to correct treatable physical and emotional defects.
 - ii. Specialists shall be used to provide for care, treatment, and consultation when indicated as recommended by the agency's medical consultant.
 - iii. Newly admitted children shall not be isolated as a mere routine, but only when circumstances and observations make temporary isolation necessary as a protective measure.
 - iv. A child placed in isolation, other than upon orders of a physician, shall be immediately referred to the physician to determine the child's condition and need for continuing isolation.
 - v. The child in isolation shall always have available comforting, personal care and be provided with appropriate materials to help him through the period as comfortably as possible.
 - vi. Children shall be closely observed for signs of illness, such as, skin rashes, inflamed eyes, running noses, coughs, and elevated temperatures, and they shall receive prompt medical attention.
 - vii. A child's complaint of pain or illness shall not be ignored, as such complaints reflect some problem even though a physical disorder may not be apparent.
 - viii. When needed, professional nursing services shall be provided for children.

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- ix. Psychiatric and psychological services shall be provided children whose behavioral and emotional problems are of such a nature that these special services are required.
 - x. There shall be prior arrangements with physicians and hospitals for prompt admission of children who require emergency care.
 - xi. Special attention shall be given to the dental, eye, ear, and orthopedic conditions of the children, including correction of defects:
 - (1) Dental services shall be obtained for children;
 - (2) Children shall be given examinations of eyes and ears by specialists as deemed necessary by the examining physician with corrective appliances provided as required;
 - (3) Children in need of eyeglasses shall have refraction's every 2 years and be supplied with new glasses as required.
 - xii. The date, time type and amount of medication, and the person giving the medication to a child must be recorded. A log must be maintained in the locked medicine cabinet.
 - e. Recommended schedule for immunizations

Age	Vaccines
2 months	DPT (Diphtheria, Tetanus and Pertussis) and Polio
4 months	DPT and Polio
6 months	DPT and Polio
12 months	Measles and Rubella (Mumps)
18 months	DPT and Polio
4-5 years	DPT and Polio
Primary Immunization for Children (Not Immunized in Infancy).	
Age	Vaccines
1-5 (first visit)	DPT and Polio and MR or M/M/R (Measles/Mumps/Rubella)
2 months later	DPT and Polio
4 months later	DPT and Polio
1 year later	DPT and Polio
14-16 years	Td Adult (Tetanus Toxoid)
Continue every 10 years.	
Age	Vaccines
6 years and older (first visit)	Td and Polio and M/R or M/M/R
2 months later	Td and Polio
1 year later	Td and Polio
14-16 years	Td (Adult)
Continue every 10 years.	
8. Food and nutrition
- a. Nutritional requirements
 - i. Nutritious, appetizing foods shall be provided in the variety and amounts necessary to meet the "National Research Council's Recommended Daily Dietary Allowances" as adjusted for age, sex and activity of each child under care.
 - ii. With variations in appetite taken into account, children shall be encouraged to eat the food served, but shall not be subject to any coercion.
 - iii. All foods served to a child on a modified diet as prescribed by a physician shall adhere to the dietary regulations as stated.
 - iv. A dietary policy and procedure manual shall be adopted and available.
 - b. Frequency and quality of meals
 - i. At least 3 meals a day shall be served at regular intervals except when children receive their morning and/or noon meal(s) at school. No more than 14 hours shall lapse between the evening and morning meals. Nourishing between meal snacks shall be provided and may be part of the daily food needs, but they shall not replace regular meals. Such snacks shall be recorded on the menu.
 - ii. In menu planning provisions shall be made for religious, ethnic, and cultural differences of the children served.
 - iii. Special times shall be set aside so that meals are not hurried. Meal time should be a happy, social experience with time allowed for conversation and unhurried eating.
 - iv. Children shall not be deprived food as punishment nor given food as a reward.
 - v. All milk and milk products utilized in an institution shall be obtained from sources approved by the state Department of Health Services.
 - vi. Only pasteurized milk and U.S. Government inspected meat shall be served to the children. Powdered milk is permitted for cooking use only.
 - vii. Cool, potable drinking water shall be available for all children at all times.
 - viii. Foods shall be prepared by appropriate methods that will preserve their nutritive value and heighten their flavor and appearance, and allow them to be easily eaten.
 - ix. Children and staff members who eat with them shall be served the same food except for tea and coffee, unless differences in age or special dietary needs are factors.
 - c. Food service
 - i. Food service shall be planned to promote physical, social, and mental development.
 - ii. Table service shall be provided for all those capable of eating at a table in a manner to best serve the interest of the children. Tables and chairs shall be at heights appropriate to the size of the children served. They shall be constructed of material that can be easily sanitized. Tables seating not more than 6 to 8 children and 1 staff member are recommended for younger children.
 - iii. Children who have not had opportunities to learn how to handle food with the usual table service shall be managed in such a way that they will not be embarrassed or subjected to the ridicule of other children. If necessary, such children may be served inconspicuously at a special table supervised by an adult to teach them proper table manners.
 - d. Planning of menus
 - i. Menus shall be planned at least 1 week in advance and shall then be dated, posted, and kept on file for 1 year.

- ii. When food services are not directed by a nutritionist or dietitian, frequent, periodic consultation with a qualified nutritionist or dietitian shall be implemented.
 - (1) Records of consultations and recommendations will be maintained by the facility.
 - (2) An evaluation process shall be established to determine the extent of enforcement of such recommendations.
 - e. Hygiene of the dietary staff
 - i. All persons handling food shall wear clean outer garments, hair nets, caps, and keep their hands and fingernails clean at all times while handling food, drink, utensils, or equipment.
 - ii. The administration of a child-caring facility shall have in its possession a certificate in writing for each employee associated with food preparation or service from the local health department, stating that the employee has been examined and found to be not suffering from any disease in a communicable stage. Such certificate shall be dated at the time of hiring and shall be renewed annually.
 - f. Maintenance of sanitary conditions
 - i. Handwashing facilities, including hot and cold water, soap, and approved sanitary towels or other approved hand-drying devices, shall be provided adjacent to work areas.
 - ii. All rooms in which food or drink is stored, prepared or served, or in which utensils are washed, shall be rat proof, rat free and rubbish free. They shall be cleaned after the serving of each meal. The floors, walls, shelves, tables, utensils, and equipment in these rooms shall be of such construction as to be easily cleaned, and shall be well lighted and ventilated. All openings in them shall be effectively protected. Contaminated foods shall not be used.
 - iii. All food and drink shall be stored and served so as to be protected from dust, flies, vermin, rodents, and other contamination. No live animals (or fowl) shall be allowed in any room in which food or drink is prepared, stored, or served.
 - iv. Methods utilized in control of insects and rodents shall be used in a safe, cautious manner to avoid poisonous or toxic contamination to human beings.
 - v. Compounds harmless for human consumption shall be substituted for all poisonous or toxic compounds whenever possible. Poisonous and toxic compounds, when not in use, shall not be kept in the kitchen or food preparation areas. Such items shall be safeguarded and not stored with food items.
 - vi. Raw fruits and vegetables must be washed before use.
 - vii. All garbage shall be kept in covered containers.
 - viii. Written reports of all sanitary inspections by municipal, county, state or federal authorities shall be kept on file at the institution. The sanitation of facilities and staff shall meet all local, state and federal regulations.
 - ix. Dishwashing shall be done by approved sanitary methods including a minimum 3 minute immersion in clear 170°F. water or in approved mechanical dishwashers.
 - g. Storage and refrigeration
 - i. All dry food supplies must be stored at a temperature between 60°F. and 70°F. in securely covered containers at least 10 inches from the floor.
 - ii. All perishable food items shall be kept refrigerated except during the time of preparation and service.
 - iii. The temperature of refrigerated food must be maintained at 40°-45° F.
- E. Number of children**
- 1. The number of children in a group care agency shall not exceed the number for which it has been licensed by the Department.
 - 2. A sufficient number of staff must be on duty at all times in order to assure proper care for all children. The minimum ratio of group care agency child-caring staff, not including clerical, housekeeping and maintenance staff, shall be as follows:
 - i. For children from infancy through 3 years of age: no more than 6 children to 1 staff member on duty at all times, except during the hours when the children are sleeping.
 - ii. For children from 4 through 6 years of age: no more than 8 children to 1 staff member on duty at all times, except during hours the children are sleeping or away from the facility attending school.
 - iii. For children from 7 to 18 years of age: no more than 10 children to 1 staff member on duty at all times, except during hours the children are sleeping or away from the facility attending school.
 - iv. A staff member shall be present in each building where children sleep during sleeping hours and at least 1 staff member must be on duty in a family setting when children are present.
 - v. Where there are preschool, handicapped, or other nonambulatory children present, the ratio shall be no more than 6 children to 1 child care staff member for all hours, including sleeping hours.
 - 3. The ratio of mentally retarded children to child care staff does not include administrative, professional, office, kitchen, or housekeeping and maintenance staff.
 - a. A sufficient number of staff must be on duty at all times in order to insure proper care for all children.
 - b. To care for retarded children who are bedridden, the facility must have 1 staff member for every 4 children.
 - c. To care for ambulatory children who are moderately to severely retarded, moderately to severely physically handicapped, cannot provide for their own personal needs, or are aggressive, assaultive or security risks, the facility must have 1 staff member for every 6 children.
 - d. To care for children who are ambulatory and can handle their own personal needs, the facility must have 1 staff member for every 10 children.
 - e. A staff member shall be present in each building where children are present and at least 1 staff member must be on duty in a family setting when children are present.
- F. One category of care**

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1. No institution shall be licensed as a group care agency for foster children if day care, nursing or convalescent home for the aging, boarding, or rooming home care which involves adults as recipients of the care is given in the same space except when the adults are persons under twenty-1 years of age who were placed in the agency prior to the age of eighteen, and who voluntarily remain in care and who are currently enrolled and are regularly attending any high school.
 2. If separate wings, dividing walls, or other types of adequate separation are provided, such services may be combined. All such wings, dividing walls, or separations must conform to local and state building codes, fire codes, and health codes.
 3. Such combined programs must have prior approval of the Department.
- G. Requirements of physical plant and equipment
1. Location
 - a. A group care agency shall be in a desirable location. There shall be easy access to schools, churches, hospitals, clinics, libraries, and recreational resources. Agencies in a rural area must be in a district where schools and medical care are reasonable accessible, and where children can associate with other children and participate in community activities. The agency shall be on or accessible to a road passable 12 months of the year. The agency shall be able to provide private transportation or public transportation shall be near and available.
 - b. The facility shall be located so that a safe and adequate water supply is available and approved by the health authority. If the agency is supplied by a well, a person designated by the agency and trained by the Arizona State Department of Health Services shall be certified as a well technician and be responsible for the operation of the well.
 - c. There must be provision for drainage and sewage which will be adequate for the number of buildings the agency presently has or plans to construct. It shall be designed to prevent contamination to the drinking water supply and be protected from the children.
 - d. The agency shall comply with the local zoning ordinance.
 2. Grounds
 - a. The grounds of all agencies shall be attractively and informally planned and shall be kept clean.
 - b. Adequate level playground space must be provided, taking into consideration the recreational resources of the community. Playground space shall be kept free of all debris.
 - c. Playground equipment shall be of the appropriate size and well maintained. Any construction site or equipment situated on the grounds which constitute a potential safety hazard shall be adequately fenced off or closed.
 3. Buildings
 - a. General requirements
 - i. All buildings used by the agency shall comply with state and/or local building, zoning and fire codes. All new construction or remodeling of existing buildings must comply with state and/or local building, zoning, and fire codes.
 - ii. Plans for all new buildings or remodeling of existing buildings shall be submitted to the Department licensing staff for approval prior to commencement of construction or remodeling.
 - iii. All buildings shall conform to the sanitation regulations of the state or local health authorities. This includes water supply, sewage system, garbage disposal, toilet facilities, screening of windows and doors, storage and preparation of food, and cleaning and handling of utensils.
 - iv. A mobile unit shall not be used for living facilities for children.
 - v. No institutional building may exceed 2 stories in height.
 - vi. Buildings housing children under 6 years of age or nonambulatory children must not exceed 1 story.
 - vii. The buildings shall be adequately lights, ventilated, heated, and cooled at all times, according to the season and the needs of the children.
 - viii. All rooms accessible to children shall have ceilings, walls, and floors constructed of no less than 1-hour fire-resistant material.
 - b. Inspections. All buildings will be inspected by appropriate building, fire, and sanitation agencies at proper intervals and their recommendations shall be carried out. In addition, the fire, safety, and sanitation regulations in these standards must be observed, unless city or county ordinances or regulations are different.
 - c. Electrical
 - i. Electrical wiring and electrical appliances shall be installed in accordance with the National Electric Code.
 - ii. In buildings used for care of preschool children, electrical outlets within reach of children shall be equipped with safety plugs or plates.
 - iii. Electrical wires extending over play areas shall be fully insulated and located at least 12 feet above the play area.
 - iv. All exposed wiring shall be fully insulated.
 - v. Extension cords shall not exceed 7 feet in length except where permitted by local ordinances and shall not extend from 1 room to another. Cords shall not be stapled, nailed, or otherwise permanently fastened to walls, fixtures, floors or ceilings, and shall not be run on the floor under rugs.
 - d. Gas appliances
 - i. The installation of gas appliances for lighting, cooking, space heating, and water heating shall conform to state and local codes. Where no code applies, the provisions of Title 36, Chapter 13, Article 2, Arizona Revised Statutes, together with the standards for the installation of gas appliances and gas piping, should be followed to insure reasonable safe facilities.
 - ii. All unused gas outlets shall have the valves removed and shall be capped off with a standard pipe cap.
 - iii. All gas fired devices shall be connected to the gas supply by means of rigid piping or approved flexible brass corrugated connectors.
 - iv. All gas fired devices shall be equipped with an automatic pilot gas shut off control. Annual inspections of such devices shall be made.

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- v. Kerosene or gasoline shall not be used for lighting, cooking, or heating.
- vi. The use of unvented or open flame space heaters or unvented water heaters is prohibited.
- e. Tools and equipment. Garden tools and repair equipment shall be kept in a locked area and used by children under adult supervision only.
- f. Toxic substances. House and garden insecticides and other poisonous materials, medicines, and all corrosive materials shall be kept in locked storage out of reach of the children. Such storage shall not be in or near kitchen or food storage areas.
- g. Combustibles
 - i. Trash shall not be allowed to accumulate in the buildings. Metal containers with tight fitting, fireproof covers must be used for all combustible waste material and should be emptied daily.
 - ii. Not more than 1 gallon of flammable liquids shall be stored and it must be stored in approved type metal containers only. The storage area must be separated from the rest of the building by 2-hour fire resistive construction.
 - iii. All cotton, paper, cloth batting, vines, leaves, straw, and other materials used as decorations or costumes shall be flame proofed or manufactured of noncombustible materials.
 - iv. Trash burning, when permitted by local authority, shall be done at least 50 feet from all buildings occupied by children and shall be done under adult supervision.
 - v. The heating plant or unit in the building should be inspected frequently and should be installed in a fire-resistant area.
 - vi. The use of portable comfort heaters and sawdust burning furnaces is prohibited.
- h. Fire safety equipment
 - i. Portable fire extinguishers shall be installed and maintained for emergency fire protection. The number and type will depend on the area to be protected with at least 1 in each hall. The use of carbon tetrachloride extinguishers is prohibited. Extinguishers hung on wall brackets shall have the top of the extinguisher handhold not over 5 feet above the floor.
 - ii. All fire extinguishers shall be inspected by staff members for proper location and to give reasonable assurance that they are fully charged and operable.
 - iii. All fire extinguishers must be inspected by an authorized fire extinguisher company at least once a year from the date of last charge and recharged immediately after use, or as otherwise necessary. Such recharge shall be done by a qualified person. Extinguishers shall be tagged showing the date of charging and the agency or company performing the work.
 - iv. A dependable method of sounding a fire alarm shall be maintained in every group care agency.
 - v. Fire drills shall be practiced at least once a month with records kept of all fire drills.
 - vi. A written fire evacuation plan shall be posted.
 - vii. Each building containing living quarters for children shall have an emergency lighting system which meets the standards of the National Fire Protection Association, Number 101 Life Safety Code (1971).
 - viii. An automatic smoke detection and audible alarm system shall be installed in each building containing living quarters for children. The location of smoke detection devices shall be based upon a survey of the area to be protected by a state or local fire inspector and tested periodically. Installation and testing shall meet the standards of the N.F.P.A. No. 101 Life Safety Code (1971).
- i. Exits
 - i. There shall be a minimum of 2 exterior exits for each floor level and for each building used for the group care agency. Exits above the first floor shall include either an outside fire escape or a fireproof stairwell approved by the state or local fire inspector. Children must be able to escape readily from any part of each building, and from any room in an emergency.
 - ii. Exterior exit doors shall be made to open outwardly, and conflicting screen doors shall not be permitted in conjunction therewith.
 - iii. Exit doors at least 3 feet wide shall open on a landing equal in width and length to width of the door. Lighted exit signs should be at every exit door.
 - iv. All exterior exit doors shall have a clear, unobstructed path or walkway the width of the door and leading directly away from the building into an open space of safety.
 - v. Exit doors shall be equipped with locks that can be readily opened from the inside without the use of a key or any special effect or knowledge. Panic release hardware is recommended for exterior exit doors.
 - vi. Hallways, passageways, or corridors shall be kept clear of obstructions.
- j. Basements and attics
 - i. All basement stairways shall be separated from the main floor by a full door at the main floor level and such doors shall have a self closing device and shall be kept locked when not in use.
 - ii. Basements, furnace rooms, and rooms where hot water tanks are located shall not be used for storage of combustibles.
 - iii. Attic space shall not be used for the storage of combustible materials and/or any other purpose unless approved by the fire inspector.
- k. Water safety
 - i. All fish ponds, wading pools, swimming pools, irrigation ditches, or other bodies of water shall be made inaccessible unless they are supervised at all times.
 - ii. During the swimming season, the swimming pool shall be tested and logged daily for free chlorine and to determine the pH of the water. Tests shall comply with the requirements of the state or local health authority.
- l. Animals. Group care agencies shall be responsible for the care and behavior of pets or any animals allowed on the premises. Dogs and cats shall have had rabies shots. Domestic animals must be housed according to zoning regulations or other local ordinances.
- 4. Room dimensions

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- a. ~~Rooms shall have a minimum ceiling height of 7 feet, 6 inches. Hallways, corridors, and bathrooms shall have a ceiling height of at least 7 feet to the lowest projection from the ceiling. If any room has a sloping ceiling, the prescribed ceiling height for the room is required in only 1 half of the room, except that no portion of a room with a ceiling height of less than 5 feet will be counted as available space for children.~~
- b. ~~No room may have any dimension less than 7 feet except kitchens and bathrooms.~~
- c. ~~A floor plan of the facility, including size of sleeping rooms (excluding closets), bathrooms, exits, etc., shall be submitted to the Department.~~
- 5. ~~Administrative offices. The place for administrative offices should be separate from the living quarters and should provide the privacy necessary for interviews, conferences, and the effective handling of business. Space should be provided for clerical staff, as well as for records and other materials needed in the operation of the agency.~~
- 6. ~~Staff quarters~~
 - a. ~~Child care staff who reside, or sleep, at the facility shall be provided with living quarters separate from those of the children. Staff quarters should consist of a living and sleeping area, in addition to private bathroom facilities.~~
 - b. ~~If the living quarters for child care staff are not separate from the living quarters for foster children, the staff's own children shall be included in determining the maximum number of children served.~~
- 7. ~~Children's quarters~~
 - a. ~~General conditions~~
 - i. ~~All sleeping rooms shall be outside rooms, well-ventilated, adequately lighted, adequately cooled and heated. A room which is more than 1/3 below ground on all 4 sides shall not be used as a sleeping room.~~
 - ii. ~~Rooms which require constant artificial lighting shall not be used for children. However, provisions should be made for adequate artificial lighting when needed.~~
 - iii. ~~Sleeping rooms shall have at least 1 window that opens to the outside and which can be easily opened from inside. This window shall have no dimension less than 22 inches. The sill shall be a maximum of 48 inches from the floor. The window must provide clear access to the outside without grills or other obstructions.~~
 - iv. ~~In sleeping rooms where there is no mechanical ventilation which draws a portion of its air from the outside, there must be 1 window to the outside of at least 10 square feet, half of which can be opened.~~
 - b. ~~Sleeping space requirements. There shall be 60 square feet of floor space (excluding closets) per child in each sleeping room. In agencies using cribs, there shall be 40 square feet for each crib in each sleeping room.~~
 - c. ~~Beds and bedding~~
 - i. ~~Each child shall have his own individual bed equipped with a clean comfortable mattress, a spread, a suitable pillow with case, 2 sheets, and suitable blankets for warmth. All bedding must be in good repair. Use of double-decker beds is inadvisable for children under 10 years of age.~~
 - ii. ~~All bedding (definition according to law, Arizona Revised Statutes 36-796, enacted 1969) must be labeled according to standards of the Department of Health Services. Bedding in use prior to the above date, or received from private individuals, must be sanitized and identified as such.~~
 - iii. ~~Bunk beds of more than 2 tiers shall not be used.~~
 - iv. ~~A suitable waterproof mattress cover must be provided for the child who is enuretic. Materials not designed for this purpose shall not be used.~~
 - d. ~~Use of sleeping rooms~~
 - i. ~~Each child should be able to feel that his bedroom is his own room. He should have the opportunity to participate in its decoration and arrangement. Use of bedrooms shall not be restricted to sleeping only.~~
 - ii. ~~Each child shall have a place for his own clothes and personal belongings to which he has easy access. Individual dressers or drawer space is essential, as well as closet space for each child.~~
 - iii. ~~Children over 5 years of age shall not sleep in the same room with children of the opposite sex.~~
- 8. ~~Bathing and toilet facilities~~
 - a. ~~General requirements~~
 - i. ~~Lavatories, bathrooms, and toilets shall be adjacent to sleeping rooms and easily accessible.~~
 - ii. ~~Bathrooms shall be adequately ventilated to the outside air and shall not open directly into any pantry, kitchen, serving room, or dining room. Each bathroom shall have a window which opens directly to the outside, and/or an electrically operated ventilation system approved by state or local health authorities.~~
 - iii. ~~It is important that all plumbing be entirely modern and that it be kept in good repair and be regularly inspected.~~
 - iv. ~~Bathroom facilities for staff members supervising the children shall be separate from those for children.~~
 - b. ~~Type of facilities required~~
 - i. ~~Toilet facilities shall include wash basins, tubs or showers, and toilets. Toilets should be of such height and size as to be used easily by children without assistance. Toilet seats should be of the open front type.~~
 - ii. ~~Hot and cold running water shall be provided to each wash basin, tub, or shower. Floors of showers and bathtubs shall have safety strips, rubber bath mats, or other provisions made to provide for safety.~~
 - iii. ~~When there are 2 or more toilets in the same room, they shall be separated by a screen or wall to provide privacy.~~
 - iv. ~~In institutions caring for non-toilet-trained children, changing rooms may be used in place of toilets and wash basins. The changing rooms shall be adequate in size to care for the population in the institution and shall be equipped with bathing facilities for the children.~~

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- c. Number of facilities required
 - i. There shall be at least 1 toilet for every 6 children, 1 wash-basin for every 6 children, and 1 tub or shower for every 8 children.
 - ii. In group care agencies providing for both boys and girls over 5 years of age, there shall be 1 toilet for every 6 children or portion thereof of each sex, 1 tub or shower for every 8 children or portion thereof of each sex, and 1 wash basin for every 6 children of each sex or portion thereof.
 - d. Individual toilet articles. Adequate provision shall be made in the bathroom or bedroom for keeping individual toilet articles. These must include individual towels, wash clothes, toothbrushes, and combs. They should be hung on individual hooks or racks or protected from touching each other. Each child's individual toilet articles shall be properly identified. Wash clothes and towels shall be changed at least twice a week.
9. Kitchens
- a. General provisions
 - i. Ample working space is necessary. Attention should be given to the arrangement of the stove, sink, and tables so that steps are not wasted.
 - ii. Generous provisions should be made for storing food supplies, dishes, cooking utensils, and cleaning apparatus. Food and nontoxic cleaning supplies must be stored on separate shelves. Clean dishes and utensils shall be stored on properly covered shelves which are cleaned once a week with a chlorine solution (1 tablespoon of bleach to 1 gallon of water or an acceptable equivalent). Cupboards must be protected from flies and other insects. Tightly covered garbage receptacles are essential and must be kept sanitary. Garbage must be removed from the kitchen daily and place in covered receptacles of a size sufficient to handle the output of the kitchen until such time as it is collected or otherwise disposed of in a manner approved by the Department of Health Services.
 - iii. If the agency cares for infants, there must be facilities for the proper preparation and storage of all baby foods. There must be provision for the proper sterilization of milk, bottles, nipples, and cooking utensils used in infant feeding.
 - b. Dishwashing facilities
 - i. A 3-compartment sink is necessary. Dishes must be thoroughly scraped, washed in hot water, and then immersed for a period of at least 1 minute in a warm or hot chlorine solution containing at no time less than 50 parts per million of available chlorine or other such solution as may be approved by the state or county health department. Dish towels must be washed in hot water and soap after each usage and dried under sanitary conditions.
 - ii. If an automatic dishwasher is used, the water temperature must reach a minimum of 170° Fahrenheit. A 2-compartment sink may be used in combination with a dishwasher meeting the above specifications.
 - c. Refrigerators. Facilities shall be provided in the kitchen for keeping food hot or cold until served. Refrigeration facilities must keep all perishable foods in a temperature of 40° to 45° Fahrenheit. Compartments of the refrigeration unit must be cleaned weekly with soap and water and chlorine solution and kept clean. Thermometers must be kept in all refrigerators to provide the operator with a means of checking for proper temperature.
 - d. Health Department approval. Approval of the Arizona State Department of Health Services or delegated agency is required for all food service and equipment in accordance with the provisions of the A.R.S. § 8-504.
10. Dining area
- a. General requirements
 - i. The dining area shall be pleasant, clean, light and well ventilated.
 - ii. The location of the dining area shall be convenient to the kitchen with ample equipment and appliances to keep food at the appropriate temperatures for serving.
 - b. Space requirements. The area used for dining shall contain not less than 15 square feet for each person using the dining area.
 - c. Furnishings
 - i. The dining area shall be amply furnished with equipment designed for quick and easy serving and for the comfort of the children.
 - ii. Tables and chairs shall be scaled or adjusted to the proper height and size so that children can be comfortably served. Table service and settings shall be of the type, size, and design appropriate to the ages of the children served.
 - iii. Dining tables shall be limited in size for easy serving of children considering their ages, and individual needs, and to prevent unnecessarily long waits for food to be served.
 - iv. Dishes shall be attractive and durable. Tin or aluminum cups or plates shall not be used under any circumstances. Milk and water should be served in glasses rather than cups. Cracked or chipped dishes shall not be used.
 - v. Milk service must meet requirements of state law. This requires use of an approved bulk dispenser or individual container service. Pitchers shall not be used.
11. Living room, indoor recreation, and study area
- a. Each facility shall include a living room for children's use. It shall be adequately and attractively furnished.
 - b. The indoor recreation and study area should be in addition to the living room. If there are not separate areas, a Section of the living room shall be adapted to the specific needs of the children in each unit. Space shall be arranged for quiet study or reading, active play, and general relaxation. Multiple use should be made of the facilities; such as, the use of the dining room area for study and table games. When the dining area is used for multiple purpose activities, it shall be cleaned and the tables wiped down prior to using it for dining.
12. Laundry room
- a. If laundry is done at the institution, an adequate room must be provided for use as a laundry of such dimensions and convenience as will allow for the

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proper washing, drying, and ironing of clothing. All power equipment must be equipped with safety devices and must be inspected frequently.

- b. The washing time, concentration of soaps and alkalies used, the temperature of the wash water, the concentration of disinfectants used, and the time clothes and linens are to be exposed to such disinfectants shall be such as to provide a finished wash free of pathological bacteria or organisms of the coliform group.
 - c. The tables and equipment used in the sorting and counting of soiled clothing and linens shall not be used for clean wash. The health and general cleanliness of persons handling laundry articles is important.
 - d. The cost of laundry expenses shall not be recovered from children's allowances.
13. Medicine cabinets
- a. A special cabinet shall be designated for medicine only. The medicine cabinet should be kept locked at all times, periodically cleaned, and all outdated medications destroyed that have been prescribed for past illnesses or for children discharged from the institution.
 - b. All prescription medicines, drugs, etc., requiring refrigeration must be stored in a refrigerator separate from food items and maintained under temperature ranges recommended by the manufacturer. It is also suggested that each container be marked with the temperature range.
 - c. All medications shall be labeled with the child's name, name of drug, directions for taking, prescribing physician and date purchased. All nonprescription medications and supplies should be dated on purchase.
14. Drinking water
- a. Drinking water shall be available on the playgrounds and in the living quarters and shall be obtained from a water supply approved by the Department of Health Services or a delegate county health department.
 - b. The use of a common drinking utensil is prohibited.
 - c. When drinking fountains are provided, they shall be of the approved type for schools, with angle jet and orifice guard above the rim, and regulated pressure.
15. Telephone. There shall be a telephone in each residential facility.
16. Vehicle(s). The vehicle(s) for transporting children shall be in safe operating condition and the driver shall have a current driver's license. There shall be liability insurance on all vehicles transporting children.
- H. Satellite homes of cottages
- 1. More than 10 children. When satellite homes are owned, leased or rented, and/or are staffed by houseparents or child care workers who are employees of the group care agency, and the physical facility houses more than 10 children, each such facility shall meet the physical plant standards in Section R6-5-7409(G).
 - 2. Ten children or less. When satellite homes are owned, leased, or rented, and/or are staffed by houseparents or child care workers who are employees of the group care agency, and the physical facilities house 10 children or less, the standards in Section R6-5-7409(G) will apply, with the following exceptions:
 - a. Inspections. Inspections shall be made by Department licensing staff and state or local health inspec-

tor. Building and fire inspectors shall be called in when their expertise is needed.

- b. Fire safety equipment. Smoke detection systems and fire extinguishers are required.
- c. Exits. Exterior doors may open inward or outward, and shall be at least 30 inches wide.
- d. Sleeping space requirements. There shall be at least 50 square feet of floor space (excluding closet space) per child in sleeping rooms. The capacity of each sleeping room will be determined individually.
- e. Dishwashing facilities. Dishes may be washed in an automatic dishwasher in which water temperature must reach 170 degrees Fahrenheit, or in a 2-compartment sink.

R6-5-7409. Licenses and Operating Certificates: Form; Term; Nontransferability

A. If an agency's administrative office is located separately from an agency facility, the Licensing Authority shall issue a license to the agency and an operating certificate to each facility the agency operates. If the agency and facility occupy the same location, the Licensing Authority shall issue only a license, with the information required for an operating certificate.

1. A license shall:

- a. Identify the agency name, and the geographic area in which the agency is licensed to operate;
- b. List each facility the agency operates, and the total number of children the agency is authorized to serve; and
- c. Require the agency to operate each facility in accordance with the operating certificate issued to the particular facility.

2. An operating certificate shall:

- a. Identify the agency operating the facility;
- b. Identify the facility name, if different from the agency name, and the geographical area in which the facility is authorized to operate;
- c. List the type of service or program to be offered at the facility; and
- d. Specify the number, gender, and ages of children the facility may receive for care.

B. An operating certificate is not valid unless it has been issued in the name of an agency holding a license. Except as otherwise prescribed in subsection (A) for an agency and facility at the same location, a facility cannot operate without a current operating certificate.

C. A license and an operating certificate expire 1 year from the date of issuance, except as otherwise provided in R6-5-7410 for satellite facilities and in R6-5-7419 for provisional licenses.

D. An agency shall post its current license in the agency, in a conspicuous location, visible to the public. The agency shall post a facility's current operating certificate in a conspicuous location within the facility.

E. A license and an operating certificate cannot be transferred or assigned, and shall expire upon a change in ownership. For the purpose of this Section, a "change in ownership" includes any of the following events:

- 1. Sale or transfer of the agency or facility;
- 2. Bulk sale or transfer of the agency's or facility's assets or liabilities;
- 3. Placement of the agency or facility in the control of a court appointed receiver or trustee;
- 4. Bankruptcy of the agency or facility;
- 5. Change in the composition of the partners or joint venturers of an agency or facility organized as a partnership;

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6. Sale or transfer of a controlling interest in the stock of a corporate agency or facility; or
7. Loss of an agency's or facility's nonprofit status.

R6-5-7410. Additional requirements for a group care agency offering a specialized program

- A. A specialized program means that the agency develops means of providing more to the individual child in the way of augmented resources in such areas as social group work, psychology, psychiatry, education, medical-dental care and related services, recreation, etc. Each agency offering a specialized program shall have a statement of the theoretical framework within which its primary services, purposes and goals shall operate.
- B. Integration of services to accomplish stated goals: The services of the agency shall provide for each child and his family such as they may need with their particular problems, on the basis of a purposeful plan arrived at by conscious deliberation of the staff team. The responsibility for integrating the total service, including aftercare, for and with the child shall be delegated to an appropriate staff member, the administrator or social worker or the person in charge of the daily living program.
- C. General requirements
1. The agency shall establish a diagnosis, treatment goals, and a treatment plan for each child at intake.
 - a. The diagnosis shall state clearly the child's problem.
 - b. The treatment goals shall state (within a time-limited period) what expectations the agency has for the child after implementation of the treatment plan.
 - c. The treatment goals shall include a statement about how the agency's services shall be brought to bear on the child's problem.
 2. The agency shall provide for regular re-evaluation of the diagnosis, treatment goals and treatment plan. On the basis of such re-evaluation:
 - a. The diagnosis shall be updated.
 - b. The treatment goals shall be reformulated.
 - c. Changes in the treatment plan shall be made consistent with any changes in the diagnosis or the treatment goals.
 3. The results of the initial diagnosis, goals and plan and the re-evaluation of same shall be written and shall become a permanent part of the child's record.
 4. Copies of both the initial diagnosis, goals and plan and the re-evaluation of same shall be shared with the agency which referred the child for care.
- D. Specialized services offered
1. Social work services shall be rendered by a person with a master's degree in social work or counseling, or by a person with a bachelor's degree and 3 years of experience in related field, or by a person with a bachelor's degree who is under the supervision of a person who has a master's degree in social work or counseling.
 - a. The ratio of children and their families to qualified social workers, counselors, or caseworkers shall be determined by the nature and severity of the problems exhibited by the child and his family.
 - b. Within specialized programs, there shall be no more than 16 children and their families assigned to each full time qualified social worker, counselor, or caseworkers.
 2. Psychological services shall be rendered by a person who is licensed by the Arizona Board of Psychologist Examiners.

3. Psychiatric services, including consultation, shall be rendered by a psychiatrist licensed to practice in the state of Arizona.
4. Specialized medical and related services such as physical therapy, nursing, pediatric consultation, occupational therapy and special equipment shall be provided as indicated by the individual needs of each resident as determined by a physician.
 - a. When such medical services are indicated, they shall be rendered as a part of an integrated treatment plan.
 - b. All medical services referred to in this Section shall be rendered by an appropriately licensed professional or under the supervision of a licensed professional.
5. A special program of education shall be provided to meet the individualized educational needs of each resident.
 - a. Whenever possible, educational needs should be met in the context of the community school program. Where special education services are not available in the community schools, the agency shall make every effort to provide them or to cooperate with the local school district in providing them.
 - b. Specialized educational services include tutoring, remedial education, speech therapy, diagnostic testing and vocational education and training rendered or supervised by an appropriately licensed, certified or recognized professional.

R6-5-7410. Licensed Agency: Application for an Operating Certificate for an Additional Satellite Facility

- A. A currently licensed agency that wishes to obtain an operating certificate for an additional satellite facility shall send the Licensing Authority a letter of intent. The letter of intent shall include the following information:
1. The applicant's name, address, and telephone and telefacsimile numbers;
 2. The name of the applicant's chief executive officer or administrator;
 3. The name, address, and telephone and telefacsimile numbers of the additional facility;
 4. A request that the Licensing Authority schedule the additional facility for a DHS health and safety inspection;
 5. The name of the person who will be in charge of the additional facility, with a description of that person's qualifications;
 6. A description of program and services to be offered at the proposed facility, including any policy or procedures unique to the facility;
 7. A statement as prescribed in R6-5-7403(A)(5) for the applicable school district; and
 8. All of the information listed in R6-5-7405(A) that differs from the information already on file for the agency, including:
 - a. Floor plan;
 - b. Fire inspection;
 - c. Zoning clearance letter;
 - d. Certificate of insurance;
 - e. Evidence of financial stability;
 - f. List of paid staff with the information required by R6-5-7405(A)(3); and
 - g. Facility staffing schedule.
- B. Upon receipt of all information listed in subsection (A), and a report of the DHS health and safety inspection, the Licensing Authority shall schedule the facility for a site inspection, as provided in R6-5-7406.
- C. The Licensing Authority shall prepare a licensing study and issue a licensing decision on the application for the additional

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operating certificate as prescribed in R6-5-7407 through R6-5-7408. In determining whether to grant an additional operating certificate to an agency operating under a provisional license, the Licensing Authority shall also consider:

1. The nature and extent of the problems giving rise to the deficiency that caused the agency to be placed on provisional license status; and
2. The agency's progress on its corrective action to resolve the problems.

D. An operating certificate for an additional satellite facility expires at the end of an agency's regular licensing year.

R6-5-7411. Special requirements for the care of handicapped children

A. General requirements. The general requirements pertaining to the licensing of group care agencies shall be followed as applicable. In addition, there shall be compliance with these special regulations pertaining to the care of handicapped children.

B. Objectives of programs for handicapped children

1. The general objective in the care of the handicapped child is to guide and enrich the child's experiences so that, through the development of attitudes, understandings, and skills, he may better be able to become a contributing member of society.
2. The broad objectives are to help the individual to achieve his potential maximum capacity. These objectives include providing for the development of such typical characteristics and competencies as:
 - a. Self help and self realization: to develop an adequate personality through an understanding of self and the development of mental and physical skills;
 - b. Self help and self care: to develop competency in meeting personal needs and sufficient ability in self care to develop and maintain mental and physical health safety;
 - c. Economic functioning: to develop attitudes, understandings, and skills which will lead to partial or complete economic independence;
 - d. Civic responsibility and interpersonal relationships: to develop attitudes, understandings, and skills which will lead to appropriate social group membership and active participation in society;
 - e. Leisure time: to gain knowledge and skills which will lead to satisfying recreational and vocational interests;
 - f. Independence: to learn to function in the community as independently as possible.

C. Qualifications of staff

1. Dietitian or nutritionist. There shall be consultation services available through a dietitian or nutritionist who has some special knowledge of the dietary needs of handicapped children, to assist in menu planning, supervision of food preparation, and food service.
2. Vocational instructors. Vocational education, and training instructors shall have some knowledge and experience in their respective fields of instruction and shall have access to either professional supervision or consultation.

D. Evaluation for placement

1. Placement in facilities for the handicapped shall be based on a multi-disciplinary examination. This examination must have taken place within 1 year prior to the date of the admission of a child. It is required that the examination include a medical examination, a social evaluation, and a behavioral and/or psychological examination.

2. In the event of emergency placement without time to complete the required examination, it must be completed within 2 weeks of the date of admission.
3. A psychological examination shall be required every year during the residence of a child.

E. Personal handling, restraints and controls

1. There shall be a written statement of policies and procedures for the control and discipline of children that is:
 - a. Directed to the goal of maximizing the growth and development of the children;
 - b. Available in each living unit;
 - c. Available to parents or guardians.
2. Children shall participate, as appropriate, in the formulation of such policies and procedures.
3. Written policy shall prohibit the use of corporal punishment and verbal abuse including shouting, screaming, swearing, name calling, and any other activity that would be damaging to a person's self respect.
4. Children shall not discipline other children, except as part of an organized self government program that is conducted in accordance with written policy.
5. Seclusion, defined as the placement of a child alone, in a locked room, not under direct observation and not as part of a systematic time out program that meets all applicable standards, shall not be employed.
6. Physical restraint shall be employed only when absolutely necessary to protect the child from injury to himself or to others, and restraint shall not be employed as punishment, for the convenience of staff, or as a substitute for program.
 - a. The facility shall have a written policy that defines the uses of restraint, the staff members who may authorize its use, and a mechanism for monitoring and controlling its use.
 - b. Orders for restraints shall not be in force for longer than 12 hours.
 - c. Standing or PRN orders for restraint shall not be used.
 - d. A child placed in restraint shall be checked at least every 30 minutes by staff trained in the use of restraints, and a record of such checks shall be kept.
 - e. Mechanical restraints shall be designed and used so as not to cause physical injury to the child, and so as to cause the least possible discomfort.
 - f. Opportunity for motion and exercise shall be provided for a period of not less than 10 minutes during each 2 hours in which restraint is employed.
 - g. Totally enclosed cribs shall be considered to be restraints, and their use shall be governed by the facility's written policy concerning restraint and by the standards concerning restraint.
 - h. Barred enclosures other than cribs shall not be more than 3 feet in height and shall not have tops.
 - i. Physical restraint shall be used only as an integral part of an individual program plan that is designed by an interdisciplinary team including a licensed medical practitioner to lead to a less restrictive way of managing, and ultimately to the elimination of, the behavior for which the restraint is applied.
 - j. The program plan must specify the behavior to be eliminated, the method to be used, the schedule for use of the method, the person responsible for the program, and the data that are to be collected in order to assess progress toward the objectives.
 - k. Mechanical supports used in normative situations to achieve proper body position and balance shall not

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- be considered to be restraints, provided that they are used only as an integral part of an individual program plan that is designed by an interdisciplinary team and are designed and applied:
- i. Under the direct supervision of a qualified professional person;
 - ii. So as to reflect concern for principles of good body alignment, concern for circulation, and allowance for change of position.
 - iii. The program plan shall specify the reason for the support, the situations in which it is to be applied, and the length of time for which it is to be applied.
7. Medication shall not be used excessively, as punishment, for the convenience of staff, as a substitute for programs, or in quantities that interfere with the child's habilitation program.
- a. Psychotropic or behavior-modifying drugs shall be used only as an integral part of an individual program plan that is designed by an interdisciplinary team including a licensed medical practitioner to lead to a less restrictive way of managing, and ultimately to the elimination of, the behaviors for which the drugs are employed.
 - b. The program plan must specify the behavior to be modified, a time-limited prescription by a licensed physician, and the data that are to be collected in order to assess progress toward the treatment objective.
 - c. Each program plan involving the use of psychotropic drugs should include explicit provision for gradual diminishing of dosage and ultimate discontinuation of the drug.
 - d. Psychotropic drugs should be prescribed only by fully licensed physicians.
 - e. The program plan should document the fact that any potentially harmful effects of the drugs employed have been carefully weighed against the harmful effects of the behavior for which the drugs are given, and that the harmful effects of the behavior clearly outweigh the potentially harmful effects of the drugs.
8. Each behavior modification program that involves the use of time-out devices or the use of noxious or aversive stimuli shall be reviewed and approved by the facility's human rights committee; conducted only with the consent of the affected child's parents or surrogates; and described in written plans that are kept on file in the facility.
- a. Restraints employed as time-out devices shall be applied for not more than fifteen minutes, only during conditioning sessions, and only in the presence of the person conducting the program.
 - b. Removal from a situation for time-out purposes shall not be for more than 1 hour, and this procedure shall be used only during the conditioning program, and only under the direct observation of the person conducting the program.
 - c. When a time-out device is employed, the child's record must document the fact that the situation from which the child is removed for time-out provides consistent and positive reinforcement of desired, adaptive behaviors.
 - d. Use of aversive conditioning must be reserved for those extreme, last resort situations in which withholding it would be contrary to the best interests of the child because his behavior is dangerous to himself or other persons and is extremely detrimental to his development, and because the child's failure to respond to positive reinforcement procedures has been documented in his record.
9. When maladaptive or problem behaviors are to be modified, the child's program must include provisions to teach the child the circumstances under which the behaviors can be exhibited appropriately, to channel the behaviors into similar but appropriate expressions, or to replace the behaviors with behaviors that are adaptive and appropriate.
- a. The plan must specify the behavior objectives of the program, the method to be used, the schedule for use of the method, the person responsible for the program, and the data that are to be collected in order to assess progress toward the objectives.
 - b. Whenever restraint, behavior-modifying drugs, or behavior modification techniques involving the use of time-out devices or aversive stimuli are employed to eliminate maladaptive or problem behaviors, the child's record must reflect the fact that less restrictive methods of modifying or replacing the behavior have been systematically tried and have been demonstrated to be ineffective.
 - c. Staff working with children who present risk of injury to others shall receive specific training in physical intervention techniques the aim of which is to prevent injury to either the employee or child.
- F. Programs and groupings
1. The content of a program for mentally retarded or other handicapped children shall be based on a realistic appraisal of their individual developmental level, rate of growth and potential. The program shall be structured and so directed that children are trained and taught according to their potential for development. Materials shall be selected with discernment and children shall be taught how to use them rather than just being exposed to them.
 2. Each handicapped child must have an individualized program plan, in accordance with R6-5-7410.
 3. The program shall provide opportunities in a setting and at a tempo which encourages:
 - a. Personal independence's in all areas of self care, such as eating, toileting, dressing, and personal hygiene;
 - b. Constructive use of materials for work and play;
 - c. Verbal and other forms of communication;
 - d. Good social relationships with others;
 - e. Ability to follow directions;
 - f. Ability to establish behavior controls;
 - g. Feelings of self-worth;
 - h. Achievement and enjoyment of simple skills that could provide economic and family usefulness.
 4. An academic program shall be provided to meet the educational needs of the children.
 - a. Standardized tests shall be administered to children in this program at least annually.
 - b. Children shall continue in this program as long as gains are being made based upon evaluation.
 5. A vocational program, related to job skills that the child of an appropriate age may be able to use outside the institution, shall be provided.
 6. A program shall be provided to train children in the areas of social graces and manners; use of leisure time; and interaction with peers, groups, and adults.

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7. A habilitation program shall be implemented for each child based on his needs and level of functioning.
8. Children working for the institution as part of a vocational program, or otherwise, shall receive compensation commensurate with their performance and the service provided, in accordance with U.S. Department of Labor rules and regulations.
9. In order to provide as fully as possible for individual differences and needs of the children, each group shall be of a size considered appropriate for its composition. Generally, older, more capable children are placed in the largest groups; and young, less capable children are in the smallest groups. Some groups may be smaller because they are composed of children who are less functionally able and need more support.
10. Children in the academic and vocational programs shall be grouped according to functional level, chronological age, and level of academic functioning in order to provide level, chronological age, and level of academic functioning in order to provide for homogenous groups.
- G. Ratio of handicapped children to child care staff. See R6-5-7409(E), Number of Children.
- H. Physical education, recreation, and leisure time activities. The institution shall provide daily programs in the areas of physical education, recreation, and leisure time.
- I. Nursing service. Medical and nursing care shall be readily available at all times.
- J. Food and nutrition. Children shall be encouraged, in every reasonable manner, to eat the food served, but shall not be subjected to forced feeding unless the child is medically in need of nourishment and is incapable of feeding himself. Forced feeding, if required, shall not be applied in a coercive or punitive manner. The need for forced feeding shall be documented with a statement from a licensed medical practitioner in the child's file.
- K. Physical plant
 1. Safety
 - a. The buildings used by children must meet all of the requirements of the Arizona State Fire Code. In addition, they must meet building and zoning codes in jurisdictions where these are in effect. In addition, all other requirements of these standards must be met.
 - b. The buildings used by handicapped children shall use barrier-free design and construction, including hand rails and other specialized equipment to facilitate mobility.
 2. Equipment. Furnishings and equipment should be designed for the use to which they will be put. Facilities should be furnished with the particular needs of the child to be cared for in mind.

R6-5-7411. Application for Renewal of License and Operating Certificates

- A. No earlier than 90 and no later than 60 days prior to the expiration date of a license, an agency may apply to the Licensing Authority for renewal of its license and any operating certificates. The Licensing Authority does not have a duty to notify the agency of license expiration. The agency shall contact the Licensing Authority to request a renewal application and to schedule a DHS health and safety inspection. The agency shall schedule its own fire inspection. Failure to timely apply or obtain inspections may result in suspension of the agency's license until the renewal process is completed.
- B. An agency shall apply for renewal on a Department application form containing the information listed in R6-5-7405(A).

- C. An agency shall submit copies of the completed application and supporting documents listed in R6-5-7405(A) to the Licensing Authority. If the agency has not amended, changed or updated the information or documentation since the agency last applied for or renewed its license, the agency may indicate "no change" on the renewal application form.
- D. With a renewal application, the agency shall also submit the following documentation:
 1. A current financial statement prepared by an independent certified public accountant who is not employed by the agency;
 2. A certificate of current insurance coverage as prescribed in R6-5-7426;
 3. A copy of the agency's current budget and the agency's audit report for its preceding fiscal year;
 4. Copies of any written complaints the agency has received about its performance at its facility during the expiring license year and the agency's response to the complaints; and
 5. A written description of any changes in program services or locations, or the children served by the agency.
- E. For a renewal application, the administrative completeness review time frame described in A.R.S. § 41-1072(1) begins when the applicant submits a renewal application form and the required documentation listed in this Section.

R6-5-7412. Civil rights

Refer to Title 6, Chapter 5, Article 26, Civil Rights.

R6-5-7412. Renewal of License and Operating Certificates: Site Inspection; Time Frames; Standard for Issuance

- A. Upon receipt of a complete renewal application, the Licensing Authority shall schedule the renewal applicant for a DHS health and safety inspection.
- B. Upon receipt of the DHS inspection report and a complete renewal application package, the Licensing Authority shall schedule the applicant for a site inspection of the agency and each agency facility.
- C. At the renewal site inspection, the licensing representative shall investigate the agency and facilities as prescribed in R6-5-7406, and may also:
 1. Interview staff.
 2. Interview clients and references.
 3. Observe staffings.
 4. Review a random sample of client and staff files.
 5. Conduct field visits to agency branch offices and facilities.
- D. For a renewal application, the administrative completeness review time frame described in A.R.S. § 41-1072(1) is 45 days. Before expiration of the time frame, the Licensing Authority shall send the applicant written notice of administrative completeness or deficiency as prescribed in A.R.S. § 41-1074(A).
- E. If the applicant does not supply the missing information, as prescribed in the notice, within 60 days of the notice date, the Licensing Authority may close the file. An applicant whose file has been closed, who later wishes to become licensed, may reapply.
- F. The Licensing Authority shall issue a licensing decision within 25 calendar days of concluding the applicant's final site visit. This 25-day period is the substantive review time frame under A.R.S. § 41-1072(3). The overall time frame for a issuance of a renewal license is 70 days.
- G. The Licensing Authority may renew an agency's license and any operating certificate for its facility when the agency and facility:

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1. Demonstrate compliance with the standards set forth in applicable statutes and this Article;
2. Have complied with applicable statutes and the requirements of this Article during the expiring period of license; and
3. Have corrected any problems that resulted in imposition of a provisional license.

H. The Licensing Authority shall issue a renewal licensing decision as prescribed in R6-5-7408(B).

R6-5-7413. Fair Labor Standards Act

The hiring and compensation policies of group foster homes shall comply with the Fair Standards Act.

R6-5-7413. Notification to Licensing Authority of Changes Affecting License; Staff Changes

- A. A licensee shall send the Licensing Authority written notification of any planned change in the licensee's name, ownership, agency location, facility location, governing board member, chief executive officer, or program director, at least 1 month before the change. If the change occurs without sufficient time for prior written notice, the licensee shall orally notify the Licensing Authority as soon as the change is known, and shall send the Licensing Authority written confirmation within 48 hours of giving oral notice.
- B. If a licensee wishes to make a substantial change as described in subsection (C), the licensee shall:
 1. Provide the Licensing Authority with prior written notice of the change at least 1 month before the effective date of the change; and
 2. Apply for an amended license as prescribed in R6-5-7414.
- C. As used in subsection (B), "substantial change" means any of the following:
 1. An event that will cause the licensee to be out of compliance with:
 - a. The terms stated on the face of the license or an operating certificate; or
 - b. A standard prescribed in this Article;
 2. A change in a building or a physical site at the agency or facility if that change will alter the level or nature of care provided to children; or
 3. Substantive revision of the policies and procedures required by this Article.
- D. Within 5 work days of a paid staff member's hiring or separation, the licensee shall complete and send the Licensing Authority a Department form LC-008, "Child Welfare Agency Employee Central Registry," with the following information on the paid staff member:
 1. Name,
 2. Date of birth,
 3. Social security number,
 4. Date fingerprinted and fingerprinting results,
 5. Position held,
 6. Date of and reason for separation from employment, and
 7. Opportunity for rehire.

R6-5-7414. Amended License or Operating Certificate

- A. The Licensing Authority may issue an amended license or operating certificate to reflect a change in an agency or facility name or the terms of a license or an operating certificate if the change does not cause the agency or facility to fall out of compliance with applicable statutes and this Article.
- B. The Licensing Authority shall not issue a license for an agency or an operating certificate for a facility that has moved to a new location until the agency or facility has:
 1. Provided the information listed in R6-5-7405(A)(8);

2. Passed a DHS health and safety inspection;
 3. Passed a fire inspection;
 4. Passed a Licensing Authority site inspection; and
 5. Submitted any new staff and household members for fingerprinting and criminal background checks as prescribed in A.R.S. § 46-141 and R6-5-7431.
- C. An amended license or operating certificate expires at the end of the agency or facility's regular licensing year.

R6-5-7415. Alternative Method of Compliance

- A. The Licensing Authority, with the approval of the Attorney General's Office, may permit a licensee to substitute an alternative method of compliance for a licensing requirement or objective prescribed in this Article and not otherwise required by law, if the following conditions are met:
 1. The licensee seeking to achieve compliance through a alternative methodology proposes, to the satisfaction of the Licensing Authority, that the licensee can satisfy the objective of the requirement through the alternative methodology; and
 2. Allowing the licensee to achieve compliance through an alternative method will not jeopardize the health, safety, or well-being of children who are or may be placed in the licensee's care.
- B. Approval of an alternative methodology expires as prescribed in the written letter authorizing the alternative, or at the end of the licensing year, and must be annually renewed.
- C. The Licensing Authority is not obligated to permit an alternative method of compliance or to renew approval of the alternative methodology.
- D. The Licensing Authority shall document the alternative and the findings required by subsection (A) in the licensing file.
- E. The Licensing Authority may revoke the licensee's permission to comply through an alternative method if the Licensing Authority finds that a condition listed in subsection (A)(1) or (2) is not met.

R6-5-7416. Monitoring

- A. The Licensing Authority shall monitor the ongoing operations of agencies and facilities.
- B. Monitoring activities may include the following:
 1. Announced and unannounced inspections of an agency or a facility, including both physical premises and internal operations, books, records, policies, procedures, logs, manuals, files, inspection reports, certificates, and any other document prescribed by this Article;
 2. Interviews with clients, staff, or other persons with information about the agency; and
 3. Observation of program activities.
- C. A licensee shall cooperate with the Licensing Authority's monitoring functions. Cooperation includes:
 1. Making the agency, facility, and program activities available to licensing representatives for inspection and observation;
 2. Providing the Licensing Authority with information or documentation requested;
 3. Making staff available for interview; and
 4. Allowing children in care to be interviewed.

R6-5-7417. Complaints; Investigations

- A. If the Licensing Authority receives an oral complaint about a licensee, agency, or facility, the Licensing Authority shall ask the complaining party to submit the complaint in writing, but shall investigate complaints as prescribed in this Section even if the complaining party does not put the complaint in writing.
- B. The Licensing Authority shall refer all complaints involving allegations of child maltreatment to CPS as required by A.R.S.

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§ 13-3620 for investigation as prescribed in A.R.S. § 8-546.01(C).

- C. The Licensing Authority shall investigate complaints about a licensee through 1 or more of the following methods:
1. Telephone contact with the licensee;
 2. Interviews with the complaining party;
 3. Interviews with the licensee's staff;
 4. Interviews with the licensee's clients;
 5. Interviews of witnesses to the matters at issue;
 6. Inspections of records and documents related to the issues raised in the complaint;
 7. Announced and unannounced inspections of the agency or a facility;
 8. Evaluation of a law enforcement or CPS report for evidence of a licensing violation; and
 9. Any other activity necessary to validate or refute the allegations.
- D. A licensee shall cooperate in any Department investigation as prescribed in R6-5-7416(C).
- E. Upon completion of an investigation as described in subsection (C), the Licensing Authority shall:
1. Find that the complaint is invalid, document the findings in the agency's licensing file, and close the investigation;
 2. Find that the complaint is valid and take disciplinary action against the licensee as prescribed in R6-5-7419 and R6-5-7420, or require corrective action as prescribed in R6-5-7418; or
 3. Find that the complaint cannot be validated or refuted based on the available evidence and document the finding in the licensing file.
- E. The Licensing Authority shall provide the licensee with an oral report of any findings made under subsection (E) and, upon the licensee's request, a copy of the written findings placed in the licensee's file. At the time of giving the oral report, the licensing representative shall advise the licensee of the opportunity to obtain a copy of the written findings.

R6-5-7418. Corrective Action

- A. If a deficiency is correctable within a specified period of time and does not jeopardize the health or safety of a child, the Licensing Authority may place the agency on a corrective action plan to cure the deficiency in lieu of the disciplinary measures prescribed in R6-5-7419 and R6-5-7420.
- B. In determining whether to require corrective action in lieu of other disciplinary action, the Licensing Authority shall consider the following criteria:
1. The nature of the deficiency;
 2. Whether the deficiency can be corrected;
 3. Whether the licensee and its affected staff understand the deficiency and show a willingness and ability to participate in corrective action;
 4. The length of time required to implement corrective action;
 5. Whether the same or similar deficiencies have occurred on prior occasions;
 6. Whether the licensee has had prior corrective action plans, and, if so, the licensee's success in achieving the required goals of the plan;
 7. The licensee's history in providing care; and
 8. Other similar or comparable factors demonstrating the licensee's ability and willingness to follow through with a corrective action plan and avoid future deficiencies.
- C. The agency shall prepare a corrective action plan for the review and approval of the Licensing Authority.
1. The plan shall explain:
 - a. How the agency will remedy the non-compliance;

- b. The time periods for completing all corrective action; and
 - c. The agency staff responsible for carrying out the corrective action plan.
2. The plan shall provide for the agency to send the Licensing Authority periodic reports on the agency's progress, and a final report when all corrective action is completed.
3. An authorized representative of the agency shall sign and date the corrective action plan.
- D. In deciding whether to approve a plan, the Licensing Authority shall ensure that the plan:
1. Will correct the identified deficiency within a specified period of time;
 2. Identifies persons responsible for executing the steps listed in the plan; and
 3. Permits the Licensing Authority to monitor the Licensee's progress in completing the plan.
- E. The Licensing Authority may conduct announced and unannounced inspections of the agency or facility to monitor implementation of a corrective action plan. The licensee shall cooperate in any monitoring inspection as prescribed in R6-5-7416(C).

R6-5-7419. Provisional License

- A. If an agency or a facility is temporarily unable to conform to the standards prescribed in this Article, the Licensing Authority may issue a provisional license to the agency, or convert a regular license to provisional status, as prescribed in A.R.S. § 8-505(C). For the purpose of this Section, "temporarily unable" means a time period of 6 months or less.
- B. The Licensing Authority may impose provisional license status on an agency operating multiple facilities even though less than all facilities are out of compliance.
- C. The Licensing Authority may issue a provisional license only when:
1. The non-compliance is correctable; and
 2. The non-compliance does not jeopardize the health, safety, or well-being of children in care.
- D. If the Licensing Authority issues a provisional license, the agency shall cooperate with the Licensing Authority to develop a written corrective action plan that meets the requirements of R6-5-7418(C) and (D) and shall comply with the terms of the plan.
- E. If an agency receives a provisional license at the time of annual renewal and the license is later converted to a regular license during the agency's licensing year, the regular license expires 1 year from the date the provisional license was issued.
- E. If an agency receives a regular license at the time of annual renewal, and the license is converted to a provisional license during the agency's licensing year, the agency's license expires 1 year from the date the regular license was issued.

R6-5-7420. Denial, Suspension, and Revocation of a License or Operating Certificate

- A. The Licensing Authority may deny, suspend, or revoke a license or operating certificate when:
1. An applicant or licensee has violated or is not in compliance with licensing rules and standards, Arizona state or federal statutes, or city or county ordinances or codes;
 2. An applicant or licensee refuses to cooperate with the Licensing Authority in providing information required by these rules or any information required to determine compliance with these rules;
 3. An applicant or licensee misrepresents or fails to disclose information to the Department regarding qualifications, experience, or performance of duties;

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4. A licensee fails to cooperate in developing a corrective action plan after a request by the Licensing Authority, or fails to comply with a corrective action plan; or
 5. An applicant or licensee is unable or unwilling to meet the physical, emotional, social, educational, or psychological needs of children in care.
- B. In determining whether to deny a license, to take disciplinary action against a licensee, or to renew a license, the Licensing Authority may consider the licensee's past history from other licensing periods, both in Arizona and in other jurisdictions, and shall consider a pattern of violations of applicable child welfare statutes or rules, as evidence that an applicant or licensee is unable or unwilling to meet the physical, emotional, social, educational, or psychological needs of children.
- C. The Licensing Authority shall deny, suspend, or revoke a license when an individual applicant or licensee has been convicted of or is awaiting trial on the criminal offenses listed in A.R.S. § 46-141.
- D. The Licensing Authority shall deny, suspend, or revoke a license when an agency or facility:
1. Retains staff who have been convicted of or are awaiting trial on the criminal offenses listed in A.R.S. § 46-141;
 2. Allows an adult other than those described in subsection (D)(1), who has been convicted of or is awaiting trial on the offenses listed in A.R.S. § 46-141, to reside at a facility; or
 3. Allows any staff or other adult at the facility, who has committed an offense listed in A.R.S. § 46-141(D), to have contact with children in care.
- E. The Licensing Authority may deny, suspend, or revoke a license when an applicant or licensee, any staff member, or any other adult who resides at the facility, has been convicted of or found by a court to have committed, or is awaiting trial on any criminal offense, other than those listed in A.R.S. § 46-141. In determining whether a person's criminal history affects an applicant's or licensee's fitness to hold a license, the Licensing Authority shall consider all relevant factors, including the following:
1. The extent of the person's criminal record, if any;
 2. The length of time which has elapsed since the offense was committed;
 3. The nature of the offense and whether the offense was originally classified as a felony or a misdemeanor;
 4. The circumstances surrounding the offense;
 5. The degree to which the person participated in committing the offense;
 6. The extent of the person's rehabilitation; and
 7. The person's role within the agency or facility.

R6-5-7421. Adverse Action; Procedures; Effective Date

- A. When the Licensing Authority plans to take adverse action against a licensee, the Licensing Authority shall give the licensee written notice of the adverse action by certified mail.
- B. The notice shall specify:
1. The action taken;
 2. All reasons supporting the action;
 3. The sections of law justifying the action;
 4. The procedures by which an applicant or licensee may contest the action taken, and the time periods for doing so;
 5. An explanation of the applicant or licensee's right to request an informal settlement conference as prescribed in A.R.S. § 41-1092.03(A); and
 6. If the Licensing Authority summarily suspends a license as provided in A.R.S. § 41-1064(C), the required finding of emergency.
- C. The following actions are not appealable adverse actions:

1. Imposition of a corrective action plan to bring the licensee into compliance with licensing requirements, absent any material change in licensing status;
 2. Denial or revocation of permission for an alternate method of compliance or operation of a barracks facility as prescribed in R6-5-7461(B) and R6-5-7462(B); and
 3. A staff member's failure to clear the criminal history check prescribed in R6-5-7431(B).
- D. Except as otherwise provided in A.R.S. § 41-1064 for emergency suspensions, adverse action is effective:
1. If a licensee does not appeal the adverse action, 31 days after the postmark date of the notice prescribed in subsection (A); or
 2. If the licensee appeals the adverse action, when there is a final administrative decision, as prescribed in A.R.S. § 41-1092.08(D), affirming the adverse action.

R6-5-7422. Appeals

- A. An applicant may appeal the denial of a license and a licensee may appeal adverse action under A.R.S. § 8-506.01 and A.R.S. Title 41, Chapter 6, Article 10.
- B. The applicant or licensee shall file a notice of appeal with the Licensing Authority. The notice shall contain the information required by A.R.S. § 41-1092.03(B).

R6-5-7423. Statement of Purpose; Program Description and Evaluation; Compliance With Adopted Policies; Client Rights; Single Category of Care

- A. A licensee shall have a written statement which describes its philosophy, purpose, and program for children in care, and the nature and extent of any family involvement in the program.
- B. A licensee shall have a written description of all services each facility provides to children in care and their families and the methods of service delivery.
- C. A licensee shall follow all plans, policies, and procedures the licensee adopts in accordance with this Article.
- D. A licensee shall annually evaluate whether a facility is achieving the objectives described in R6-5-7405(A)(5)(c)(i). The licensee shall make a written report of the evaluation and provide a copy to the Licensing Authority at the time of license renewal.
- E. A licensee shall have a statement of client rights.
- F. A licensee shall not combine its child welfare program, as defined pursuant to subsection (A), with other forms of care or programming such as child care, nursing or convalescent care for adults, or adult developmental care unless the licensee:
1. Physically separates children in the child welfare program from persons in other programs; and
 2. Prevents interaction between children in the child welfare program and persons in other programs.

R6-5-7424. Governing Body

- A. A licensee shall have a governing body to oversee the operations, policies, and practices of the agency and its facilities. The governing body shall be:
1. The board of directors for an agency that is a non-profit corporation; or
 2. The board of directors or individual owner of an agency that is a for-profit organization.
- B. The governing body shall:
1. Ensure that the licensee provides the services described in the licensee's statement of purpose;
 2. Adopt an annual budget of anticipated income and expenditures necessary to provide the services described in the licensee's statement of purpose;
 3. Approve the licensee's annual financial audit report;

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4. Establish a policy and procedure for selection and retention of staff sufficient to operate the agency and its facilities in accordance with this Article;
 5. Unless the licensee is a sole proprietorship, meet at least 4 times each year, and maintain records of attendance and minutes of the meetings;
 6. Develop criteria and written procedures for selection of the governing body members, and the chief executive officer as required by R6-5-7432(A);
 7. Employ a chief executive officer who meets the qualifications prescribed in R6-5-7432(A), to whom the governing body shall delegate responsibility for the daily administration and operation of the agency;
 8. Regularly evaluate the chief executive officer's performance; and
 9. Review and approve the agency's policies and procedures, and any amendments to them.
- C. A licensee shall maintain a list of the governing body's members; the list shall include each member's name, address, term of membership, and relationship to the licensee, if any.

R6-5-7425. Business and Fiscal Management; Annual Audit

- A. A licensee shall maintain complete and accurate accounts, books, and records as prescribed in this Article, and in accordance with generally accepted accounting practice.
- B. A licensee shall operate on the annual budget approved by its governing board.
- C. A licensee shall regularly record its financial transactions and maintain, for 5 years, its financial records including receipts, disbursements, assets, and liabilities.
- D. A licensee shall have an annual, fiscal year-end, financial audit by an independent certified public accountant who shall conduct the audit in accordance with generally accepted auditing standards. The audit report shall include the following financial information:
 1. Income statement;
 2. Balance sheet;
 3. Statement of cash flow;
 4. A statement showing monies or other benefits the licensee has paid or transferred to any of the following:
 - a. Business entities affiliated with the licensee;
 - b. The licensee's directors or officers;
 - c. The licensee's chief executive officer or program director;
 - d. The family member of a person listed in subsections (D)(2)(e)(ii) or (iii); or
 - e. Another agency.

R6-5-7426. Insurance Coverage

A licensee shall have insurance coverage that provides protection against financial loss as prescribed in this Section.

1. The licensee shall carry liability insurance covering accidents, injuries, errors and omissions in the minimum amount of \$100,000 per person and \$300,000 per accident or event.
2. The licensee shall ensure that any vehicle the licensee owns or uses to transport children in care has the following insurance coverage:
 - a. Injury per person: \$100,000;
 - b. Injury per accident: \$300,000; and
 - c. Property damage: \$25,000.

R6-5-7427. Confidentiality

- A. Except as otherwise allowed by law, a licensee's records concerning children in care and their families are confidential, and the licensee shall not disclose or knowingly permit the disclosure of confidential information.

- B. A licensee shall have written policies and procedures for keeping records secure, in a manner that preserves confidentiality and prevents loss, tampering, or unauthorized use. The policies and procedures shall:
 1. Be consistent with any laws applicable to the specific records at issue; and
 2. Cover the following:
 - a. The form in which children's records are maintained and stored;
 - b. Identification of the staff who:
 - i. Supervise the maintenance of records,
 - ii. Have custody of records, and
 - iii. Have access to records;
 - c. The persons to whom records may be released and under what circumstances records may be released, including release of information to custodial and non-custodial parents and guardians;
 - d. Photography, audio or audio-visual recording, and public identification of children; and
 - e. Participation of children or use of children's records in data research.

- C. Before using personally identifiable information for publicity, fundraising, or research, a licensee shall obtain:

1. A written consent to release, as prescribed in subsection (E), from the child who is the subject of the information, if developmentally appropriate; and
2. A written consent to release, as prescribed in subsection (E), from the child's placing agency or person; or
3. Written authorization from the court, if the child is a ward of the court.

- D. A licensee may release personally identifiable information about a child or family to persons who require the information to treat or provide services to the child unless the release is prohibited by law.

- E. A consent to release shall include the following information:

1. The name of the person or agency to whom the information is to be released;
2. A description of the information to be disclosed;
3. The reason for disclosure;
4. The expiration date of the consent, not to exceed 6 months from date of signature; and
5. The dated signature of the person authorizing the release.

- F. Notwithstanding any other provision of this Article, in a medical emergency, the licensee shall promptly release information from a child's record to persons who require the information to treat the child.

- G. A licensee may withhold information if, in the judgment of the professional person treating the child, or the agency's program director, the release of information would be contrary to the child's best interests, unless the release is:

1. Ordered by a court;
2. Mandated by federal or state law;
3. Required by the licensee's agreement with the placing agency or person; or
4. Required by the Department to assess the licensee's compliance with the law.

- H. If a licensee withholds information pursuant to subsection (G), the licensee shall:

1. Document, in the child's record, the reason for withholding the information;
2. Advise the person who requested the information that the person may grieve the withholding pursuant to the licensee's internal grievance process adopted in accordance with R6-5-7429.

R6-5-7428. Children's Records: Contents, Maintenance,

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- A. A licensee shall maintain a current, separate case record for each child in care. The record shall be readily accessible to persons providing services to the child and shall include at least the following information:
1. The name, gender, race, religion, birthdate, and birthplace of the child;
 2. The name, address, telephone number, and marital status of the child's parents;
 3. The date of admission and source of referral;
 4. The name, address, telephone number, and relationship to the child of the person with whom the child was living prior to admission, if other than the child's parent;
 5. All documents related to the child's referral and admission of the child to the facility;
 6. Documentation of the current custody and legal guardianship of the child;
 7. The child's court status, if applicable;
 8. Consent forms signed by the placing agency or person at the time of placement, allowing the licensee to authorize necessary medical care, medications, routine tests, and immunizations;
 9. Service plans and all reviews, revisions, notes, and updates reflecting the child's and family's goals, and progress towards achievement of goals;
 10. A plan for permanent placement of the child;
 11. Education records and reports;
 12. Vocational training and employment records, if applicable;
 13. Treatment and clinical records and reports; and
 14. The discharge summary required by R6-5-7442(B).
- B. A licensee shall have the medical records required by R6-5-7455. While the child is in care, the licensee may keep the child's medical records in a location separate from the records described in this Section. If the licensee keeps medical records in a separate location, the child's main record shall identify the location of the medical record.
- C. All record entries shall be made in permanent ink or electronically. The licensee shall require personnel to date and legibly sign entries in a child's records.
- D. If a licensee maintains a child's records in more than 1 place, the licensee shall:
1. Identify, in 1 location that is readily accessible to inspection by the Licensing Authority, the location of all parts of the record; and
 2. Consolidate all records and notes into 1 case file, at 1 location, within 15 days following either:
 - a. A request for consolidation from the Licensing Authority; or
 - b. The date of the child's discharge from the facility.
- E. A licensee shall maintain a child's record for the longest of the following time periods:
1. At least 5 years after the child's last discharge from the licensee's care;
 2. At least 3 years after the child's 18th birthday; or
 3. Another time period specified by applicable law or contract.
- F. A licensee shall dispose of expired records in a manner that maintains confidentiality.

R6-5-7429. Grievances

- A. A licensee shall have a written policy and written procedures governing the receipt, consideration, and resolution of grievances brought to the licensee by children in care and their parents, regarding the licensee's program and care of children. The procedures shall:

1. Be written in a clear and simple manner that is developmentally appropriate for children in care;
 2. Prohibit reprisal or retaliation against an individual who brings a grievance for the act of bringing the grievance;
 3. Describe a process for fair and expeditious resolution of a grievance; and
 4. Provide a means to tell the grievant about the action taken in response to the grievance.
- C. A licensee shall maintain written records of grievance decisions for at least 12 months after the resolution.
- D. The licensee shall maintain a log of grievances filed against the licensee. The licensee may keep a centralized agency log, or can maintain a separate log for each facility. The log shall include the following information:
1. Name of grievant;
 2. Date grievance filed;
 3. Description of the substance of the grievance;
 4. Summary of the grievance resolution;
 5. A copy of the grievance decision required by subsection (C), or a description of where the Licensing Authority can find the decision.
- E. Copies of the grievance decisions may serve as the grievance log if:
1. The copies are kept in 1 central location that is readily accessible to the Licensing Authority;
 2. The grievance decisions contain all the information listed in subsection (D); and
 3. The licensee retains the decisions for at least 3 years following the date of grievance resolution.

R6-5-7430. Staff Management and Staff Records

- A. A licensee shall have written staff policies and procedures which shall describe:
1. How the licensee recruits, screens, hires, supervises, trains, retains, develops, evaluates, disciplines, and terminates staff;
 2. How the licensee handles staff resignations;
 3. A job title, description and minimum qualifications for each position within the agency and all facilities;
 4. The duties assigned to each position;
 5. How the licensee handles staff grievances;
 6. An organizational chart for the agency and all facilities; and
 7. A method to assure privacy of staff records.
- B. The licensee shall give all staff a copy of the person's own job description and allow staff access to the licensee's staff policies and procedures.
- C. A licensee shall maintain a personnel record for all paid staff. The record shall include the following information, if applicable:
1. Application for employment including previous employment history and educational background;
 2. Reference letters and documentation of phone notes on references that are dated and signed;
 3. Documentation of the highest level of education achieved; the documentation may include a copy of a diploma, equivalence certificate, or record of notes of calls to educational institutions;
 4. Medical examination reports on paid staff as required by R6-5-7431(F);
 5. Medical examination reports on any other adult residing at the facility showing that the adult is free from communicable diseases as required by R6-5-7431(H);
 6. Medical and immunization records on children who reside at the facility but are not in care, as required by R6-5-7431(H);

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7. Copies of applicable professional licenses, credentials, and certifications, as required by R6-5-7431(A);
 8. Documentation of fingerprinting and criminal records clearance as required by A.R.S. § 46-141 and R6-5-7431(B);
 9. Record of all orientation and training received during employment;
 10. Documentation showing that the paid staff member has read and agrees to abide by the facility's behavior management policies and procedures which shall include the dated signature of the paid staff member and a witness;
 11. Documentation showing that the paid staff member has a valid driver's license if the paid staff member transports children;
 12. Reports of all performance evaluations;
 13. Documentation of any personnel actions or investigations that result in a written report;
 14. Dates the paid staff member started and separated from employment; and
 15. Reason for separation from employment.
- D. A licensee shall maintain a personnel record on unpaid staff. The record shall include the following information, if applicable:
1. Application for work or study, including previous employment history and educational background;
 2. Reference letters and documentation of phone notes on references that are dated and signed;
 3. Medical examination reports, as required by R6-5-7431(F);
 4. Copies of applicable professional licenses, credentials, and certifications, as required by R6-5-7431(A);
 5. Documentation of fingerprinting and criminal records clearance as required by A.R.S. § 46-141 and R6-5-7431(B);
 6. Record of all orientation and training received while affiliated with the licensee;
 7. Documentation showing that the person has read and agrees to abide by the facility's behavior management policies and procedures which shall include the dated signature of the person and a witness;
 8. Documentation showing that the person has a valid driver's license if the person transports children;
 9. Reports of all performance evaluations;
 10. Documentation of any personnel actions or investigations that result in a written report;
 11. Dates the person began and ended affiliation with the licensee; and
 12. Reason for ending affiliation with the licensee.
- E. The licensee shall keep personnel records for at least 3 years after the staff member's separation from the licensee.
- R6-5-7431. General Qualifications for Staff**
- A. A licensee shall ensure that all staff providing services to children and their families under the licensee's program are currently certified, registered, or licensed as required by state law.
- B. As prescribed in A.R.S. § 46-141, all staff having direct contact with children, and any persons age 18 or older who live at a facility, excluding children in care, shall be fingerprinted and shall certify on notarized forms provided by the Department whether they:
1. Are awaiting trial on or have ever been convicted of the following criminal offenses in this state or similar offenses in another state or jurisdiction:
 - a. Sexual abuse of a minor;
 - b. Incest;
 - c. First or second degree murder;
 - d. Kidnapping;
 - e. Arson;
 - f. Sexual assault;
 - g. Sexual exploitation of a minor;
 - h. Contributing to the delinquency of a minor;
 - i. Commercial sexual exploitation of a minor;
 - j. Felony offenses involving distribution of marijuana or dangerous or narcotic drugs;
 - k. Burglary;
 - l. Robbery;
 - m. A dangerous crime against children as defined in A.R.S. § 13-604.01;
 - n. Child abuse;
 - o. Sexual conduct with a minor;
 - p. Molestation of a child;
 - q. Manslaughter; and
 - r. Aggravated assault; and
 2. Have ever committed any of the acts listed in subsections (B)(1)(a), (g), (i), (m), (n), (o), and (p).
- C. A licensee shall not knowingly employ, retain, or allow to reside at a facility, any staff, or person age 18 or above, who is awaiting trial on or has been convicted of any of the criminal offenses listed in subsection (B) above, or the same or similar offenses in another state or jurisdiction. A licensee shall not knowingly allow a person who has committed any of the offenses listed in subsection (B)(2) to have contact with children in care.
- D. For all staff, a licensee shall:
1. Verify at least 2 years immediate, or most recent, past employment through reference checks;
 2. Obtain at least 3 references from persons not related to the staff member by blood or marriage, who can attest to the staff member's character, knowledge, and skill.
- E. The licensee shall document verification of the reference information required in subsection (D).
- F. A licensee shall have staff providing direct care to children obtain a physical examination by a licensed medical practitioner before beginning assigned duties and at least every 2 years while working.
- G. All staff shall be free from any communicable disease that poses a danger to children in care and shall have the capacity to perform the essential functions of that person's job.
- H. Other adults who reside at the facility shall be free from communicable disease that poses a danger to children in care. Children who reside at the facility but are not in care shall have current immunizations and be free from communicable disease that poses a danger to children in care.
- R6-5-7432. Qualifications for Specific Positions or Tasks; Exclusions**
- A. Chief Executive Officer ("CEO"): A licensee shall have a chief executive officer for the agency. The CEO:
1. Is responsible for general management, administration, and operation of the agency in accordance with this Article;
 2. Ensures that:
 - a. Each child in care receives necessary professional services;
 - b. Appropriately qualified staff render services to children in care; and
 - c. The services are coordinated;
 3. Shall have management experience and meet any other qualifications prescribed by the Governing Body;
 4. Shall reside in Arizona;
 5. Shall be accessible to staff, representatives of the Licensing Authority, and other governmental agencies; as used in this subsection, "accessible" means readily available to answer questions and to handle problems or emergencies

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- that arise, either personally or through a chain of command; and
6. Shall designate a qualified person to perform administrative responsibilities whenever the CEO is inaccessible.
- B. Program Director:** A licensee shall have at least 1 person who is responsible for development, implementation, and supervision of an agency's programs and services. This person shall have at least:
1. A master's degree in social work or a related area of study from an accredited school and at least 1 year experience in the child welfare or child care services field; or
 2. A bachelor's degree in social work or a related area of study from an accredited school and 2 years of experience in the child welfare or child care services field.
- C. Facility Supervisor:** If a licensee operates more than 1 facility, the licensee shall designate a person to supervise the operations of each facility.
- D. Supervisors:** Any staff member who supervises, evaluates or monitors the work of the direct care staff shall:
1. Have at least 6 months paid child care experience and at least 3½ years of any combination of the following:
 - a. Paid child care or related experience; or
 - b. Post-high school education in social work or a related field; or
 2. Be certified by the Arizona Professional Youth Care Association, the National Organization of Child Care Workers Association, or an equivalent organization.
- E. Direct Care Staff:** A person who supervises, nurtures, or cares for a child in care shall have at least:
1. A high school diploma or equivalency degree and 1 year experience in working with children; or
 2. One year post-high school education in a program leading to a degree in the field of child welfare or human services.
- F. Program Instructors:** A person who supervises, trains, or teaches children in the performance of a physical activity that poses an unusually high risk of harm, such as archery, river rafting, rock climbing, caving, rappelling, and hang gliding, shall:
1. Be currently certified to perform the activity, if applicable;
 2. Have at least 3 years of experience related to the activity; or
 3. Have at least 3 letters of reference attesting to skill and experience in the activity.
- G. CPR and First Aid Certification:** A licensee shall ensure that:
1. Direct care staff are certified in pediatric cardiopulmonary resuscitation (CPR) and in first aid by the American Red Cross, the American Heart Association, or the Arizona Chapter of the National Safety Council within 3 months of being hired and before caring alone for children in care.
 2. At least 1 staff member per shift, per facility is currently certified in CPR and first aid.
- H. Multiple Functions:** A licensee may allow 1 person to perform multiple functions or fill more than 1 position so long as:
1. The person performing multiple functions is qualified for the jobs held; and
 2. The licensee does not violate the requirements of this Article, including R6-5-7437 governing staff-child ratios.
- I. Exclusions:** The educational requirements set forth in this Section do not apply to persons employed with a licensee on the effective date of this Article. These requirements do apply to:
1. Persons hired as employees after the effective date of this Article; and
 2. Persons who:

- a. Are employed with a licensee on the effective date of this Article;
- b. Subsequently separate from that employment; and
- c. Later seek employment with the same or a different licensee.

R6-5-7433. Orientation and Training for Staff

- A.** A licensee shall have a written plan for orientation and training of all staff. The plan shall include a method for the licensee to evaluate whether the person has actually learned the information that was the subject of orientation or training.
- B.** All staff shall receive initial orientation and training before assignment to solo supervision of children. The initial orientation and training shall include:
1. Acquainting staff with the licensee's philosophy, organization, program, practices, and goals;
 2. Familiarizing staff with the licensee's policies and procedures, including those on confidentiality, client and family rights, grievances, emergencies and evacuations, behavior management, preventing and reporting child maltreatment, record-keeping, medications, infection control, and treatment philosophy;
 3. Training staff in cardiopulmonary resuscitation (CPR) and first aid according to American Red Cross guidelines as prescribed in R6-5-7432(F);
 4. Training staff to do the initial health screening prescribed in R6-5-7438(E)(9); the licensee shall have a licensed medical practitioner provide this training;
 5. Training staff in de-escalation and any physical restraint practices used at the facility;
 6. Familiarizing staff with the specific child care responsibilities outlined in the person's job description;
 7. Training staff to recognize expected responses to and side effects of medications commonly prescribed for children in care; and
 8. Training staff in the licensee's emergency admissions process if applicable to the licensee's services.
- C.** The licensee's training plan for ongoing training shall satisfy the requirements of this subsection.
1. A full-time support staff member shall receive at least 4 hours of annual training.
 2. A full-time direct care staff member shall receive at least 24 hours of annual training.
 3. The training shall cover matters related to the person's job responsibilities, and at least the following subjects, as appropriate to the characteristics of the children in care at the facility:
 - a. Child management techniques;
 - b. Discipline, crisis intervention, and behavior management techniques;
 - c. A review of the licensee's policies;
 - d. Health care issues and procedures;
 - e. Maintenance of current certification in CPR and first aid;
 - f. Attachment and separation issues for children and families;
 - g. Sensitivity towards and skills related to cultural and ethnic differences;
 - h. Self-awareness, values, and professional ethics; and
 - i. Children's need for permanency and how the agency works to fulfill this need.

R6-5-7434. Notification of Unusual Incidents and Other Occurrences

- A.** A licensee shall make a record of any unusual incident on an incident reporting form which shall include the following information:

1. Location of the unusual incident;
 2. Name and address of any child involved in or observing the incident;
 3. Name of the agency if different from the facility;
 4. Name, title, and address of any staff involved in or observing the incident;
 5. Name and address of any other person involved in or observing the incident;
 6. Date of the incident;
 7. Time of the incident;
 8. Description of the incident; and
 9. Licensee's response to the incident.
- B. The licensee shall maintain a record of all unusual incidents occurring at the facility in a separate log or place, which shall permit the Licensing Authority to easily locate the incident reporting form if the licensee maintains the form in a location separate from the log.
- C. When a child in care dies, the licensee shall notify the child's placing agency or person, and the Licensing Authority within 2 hours of knowledge of the death.
- D. When a child in care suffers a serious illness, serious injury, or a severe psychiatric episode requiring hospitalization, the licensee shall notify the child's placing agency or person within 24 hours of knowledge of the occurrence.
- E. A licensee shall comply with the statutory obligation to report child maltreatment, as prescribed in A.R.S. § 13-3620.
- F. A licensee shall comply with any reporting requirements set forth in the licensee's contracts with placing agencies or persons.
- G. No later than 5 p.m. on the next business day, the licensee shall notify the Licensing Authority when any of the following occurs:
1. Fire or a natural disaster affecting the licensee;
 2. Law enforcement involvement in which a formal complaint is filed by or against the licensee, but excluding incidents of children cited solely for absence without leave from the facility;
 3. Any incident of alleged child maltreatment of a child in care;
 4. When a child in care or any other person suffers any injury from use of restrictive behavior management, and which requires treatment by a licensed medical practitioner;
 5. When a child in care suffers any physical injury from an incident involving another child in care and requires treatment by a licensed medical practitioner;
 6. When a child in care suffers an injury or psychiatric episode that is severe enough to require hospitalization or external medical intervention for the child; and
 7. When a child in care requires external emergency services including a suicide watch.
- H. Within 5 calendar days, a licensee shall give the Licensing Authority written documentation of an event listed in subsection (G) above. The documentation shall contain at least the information required by subsection (A), and may be a copy of the licensee's unusual incident reporting form.
- I. If a child in care dies, a licensee shall notify the local law enforcement authority and cooperate in any arrangements for examination, autopsy, and burial.
- R6-5-7435. Investigations of Child Maltreatment**
- A. A licensee shall have written procedures for handling alleged and suspected incidents of child maltreatment, including at least the following provisions:
1. Reporting suspected incidents of maltreatment to law enforcement or Child Protective Services as required by A.R.S. § 13-3620;
 2. Notifying the Licensing Authority, and notifying the child's placing agency or person if so requested;
 3. Taking precautions to prevent further risk to the child who allegedly suffered the maltreatment and potential risk to other children in care;
 4. Evaluating the retention of any staff who commit or allow child maltreatment; and
 5. If the licensee internally investigates incidents, conducting the internal investigation.
- B. A licensee shall require all staff to read and sign a statement describing the duty to report child maltreatment as prescribed in A.R.S. § 13-3620.
- R6-5-7436. Runaways and Missing Children**
- A licensee shall have a written policy and procedures for handling runaways and missing children. The policy shall include at least the following:
1. Procedures for making staff who provide services to a child with a history of or potential for running away, aware of that child's history or potential;
 2. Procedures for immediately notifying the designated administrator of the child's facility or that person's designee when a child is discovered to be missing;
 3. Procedures for notifying the local law enforcement agency, the child's placing agency or person, and others as necessary;
 4. Procedures to prevent runaways; and
 5. Procedures for submitting a written report to the child's placing agency or person within 5 days or the time specified in the placement agreement.
- R6-5-7437. Staff Coverage; Staff-child Ratios**
- A. A licensee shall have a written plan describing the staffing for each facility, for 24 hours per day, 7 days per week. The staffing plan shall explain:
1. How staff coverage is assured:
 - a. When assigned staff are absent due to illness, vacation, or other leaves of absence; and
 - b. During emergencies when only 1 staff member is on duty; and
 2. The methods the licensee uses to assure adequate communication and support among staff to provide continuity of services to children.
- B. A licensee shall also have a written staffing schedule for each facility shift; the schedule shall document the staff actually on duty during each shift. The licensee shall retain the schedules in 1 designated location for at least 2 years.
- C. A licensee shall have at least the paid staff to child ratios prescribed in this subsection.
1. Age 12 and above:
 - a. At least 1 paid staff member for each 10 children when children are under the licensee's direct supervision and awake.
 - b. During sleep hours, at least 1 paid staff member in each building where children in care are sleeping.
 2. Age 6 through 11:
 - a. At least 1 paid staff member for each 8 children when children are under the licensee's direct supervision and awake.
 - b. During sleep hours, at least 1 paid staff member in each building where children in care are sleeping.
 3. Age 3 through 5:
 - a. At least 1 paid staff member for each 6 children when children are under the licensee's direct supervision and awake.
 - b. At least 1 paid staff member in each building where children in care are sleeping.

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4. Under age 3:
 - a. At least 1 paid staff member for each 5 children when children are under the licensee's direct supervision and awake.
 - b. At least 1 paid staff member for each 6 children when children are sleeping.
5. Nonambulatory children, under age 6: At least 1 paid staff member for each 4 children at all times.
- D. For the purpose of the paid staff-child ratios set forth in subsection (C) above:
 1. Students and volunteers do not count as staff.
 2. A child who is not in care but who lives at the facility is counted as a child; and
 3. Any paid staff member counted in the ratio must be someone who is qualified to provide direct child care as prescribed in R6-5-7432(F).
- E. A licensee shall not fall below the minimum paid staff-child ratios specified in subsection (C), and shall, notwithstanding those ratios, have paid staff:
 1. Sufficient to care for children as prescribed in this Article and in the licensee's own program description, statement of purpose, and policies;
 2. Which take into account the following factors:
 - a. The ages, capabilities, developmental levels, and service plans of the children in care;
 - b. The time of day and the size and nature of the facility; and
 - c. The facility's history and the frequency and severity of unusual incidents, including runaways, sexual acting-out behavior, disciplinary problems, and injuries.
- F. A licensee shall have sufficient numbers of qualified staff to perform the fiscal, clerical, food service, housekeeping, and maintenance functions prescribed in this Article and in the licensee's own policies.
- G. A licensee shall make a good faith effort to employ staff who reflect the cultural and ethnic characteristics of the children in care.

R6-5-7438. Admission and Intake; Criteria; Process; Restrictions

- A. Admissions: A licensee shall have a written admissions policy, which shall:
 1. Describe the licensee's admission criteria, including:
 - a. Population to be served, including age range, gender, physical development, social behavior, and custody and guardianship status;
 - b. Geographic area of service;
 - c. The needs, problems, and child-related issues best served at the licensee's facility; and
 - d. The method used to assign a child to a particular living unit;
 2. Contain an acknowledgment that the licensee abides by the Interstate Compact on the Placement of Children, the Indian Child Welfare Act, and the Interstate Compact on Juveniles; and
 3. Provide that the licensee shall not refuse admission to any child on the grounds of race, religion, or ethnic origin.
- B. Age Limit: Continuing Care for Persons in High School: A licensee shall not admit a person who is age 18 or older, except a licensee may continue to care for an individual under age 22 who was a child in care and turned age 18 while in care, as long as the individual is currently enrolled in and regularly attending a high school program or vocational training program. A licensee shall not allow an individual to remain in care after the individual receives a high school degree or cer-

tificate of equivalency, or completes the vocational training program.

- C. Admissions Outside of Criteria: A licensee shall not accept a child who is not within the licensee's admission criteria unless:
 1. The placing agency or person specifically authorizes the admission after reviewing the agency's program description;
 2. The admission is consistent with the terms of the agency's license and will not result in a violation of this Article; and
 3. The child's individual service plan explains:
 - a. The reasons for acceptance; and
 - b. How the facility will meet the child's needs.
- D. Intake Assessment:
 1. A licensee shall not accept a child into care unless:
 - a. The child has a current intake assessment covering the child's social, health, educational, legal, family, behavioral, psychological, and developmental history; or
 - b. The licensee completes such an assessment within 7 days following the child's admission.
 2. In this subsection, "current" means within the 6 months prior to admission.
- E. Admission and Intake Process and Requirements: The licensee shall have a written policy and procedures describing the process and requirements for both regular and emergency admissions and intake. The policy shall include the provisions listed in this subsection.
 1. The licensee shall have a method to allow a child to participate in admission and intake decisions, including selection of a living unit, if developmentally appropriate and consistent with the licensee's program.
 2. The licensee shall provide the placing agency or person with a reasonable opportunity to participate in admission and intake decisions.
 3. Except for emergency admissions as prescribed in subsection (F), the licensee shall not admit a child unless the licensee has, at the time of or prior to admission:
 - a. A written agreement with the child's placing agency;
 - b. A court order; or
 - c. The written consent of the child's custodial parent or guardian.
 4. The licensee shall obtain any available medical information about the child before or at the time of the child's admission. The information may include:
 - a. A report of a medical examination of the child performed within 45 days prior to admission;
 - b. A report of a dental examination of the child performed within 6 months prior to admission; and
 - c. The child's and family's medical history.
 5. If the information described in subsection (D)(4) is not available, the licensee shall comply with the requirements of R6-5-7452 to obtain an examination.
 6. At the time of or prior to admission, the licensee shall obtain written consent from the child's placing agency or person for the licensee to authorize routine medical and dental procedures for the child.
 7. If a child is taking medication at the time of admission, the licensee shall:
 - a. If the medication is in its original container, labeled by the dispensing pharmacist with a fill date, prescribing physician, and instructions for administration, document the receipt of the medication as prescribed in subsection (F)(7)(c); or
 - b. If the medication is not in its original container, or if the container is not labeled as described in subsec-

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tion (E)(7)(a), contact the prescribing physician to verify the medication administration schedule and reason for the medication; and

- c. Document the contact in the child's medical record required by R6-5-7455 and the medication administration schedule as prescribed in R6-5-7453(B).
8. A licensee shall not refill a prescription that a child brings at admission without having a licensed medical practitioner determine the child's need for the medication and documenting the need as prescribed in subsection (E)(7)(c).
9. Within 24 hours of a child's admission, a direct care staff member who has the training prescribed in R6-5-7433(B)(4) or a licensed medical practitioner, shall assess the child's general health, by:
 - a. Looking at the child for signs of obvious physical injury and symptoms of disease or illness;
 - b. Assessing the child for evidence of apparent vision and hearing problems; and
 - c. Documenting any conditions or problems and referring the child for immediate or further assessment or treatment, if indicated.
- E. **Emergency Admissions:** In an emergency situation requiring immediate placement, a licensee shall:
 1. Gather as much information as possible about the child and the circumstances requiring placement;
 2. Record this information in the child's record, within 2 days of admission, as an emergency admission notation, and
 3. Keep an emergency admission record, which shall include at least the following information about the child:
 - a. Physical health;
 - b. Family history;
 - c. Educational background;
 - d. Legal status; and
 - e. A statement explaining the need for care.

R6-5-7439. Information and Services Provided to the Placing Agency or Person

- A. No later than the date of a child's admission, a licensee shall provide information about the following subjects to the placing agency or person.
 1. The licensee's statement of purpose and program description prescribed in R6-5-7423(A) and (B);
 2. Daily routines at the facility where the child is or will be placed;
 3. The behavior management policies and procedures prescribed in R6-5-7456;
 4. Services and treatment strategies provided or used at the facility;
 5. The visitation and communications policy prescribed by R6-5-7448;
 6. The education program or method for providing a child with education;
 7. Any religious practices observed by the licensee or religious observances required of children.
- B. The licensee may provide the information in summary form or orally, but shall:
 1. Convey the information in a language or form that the placing agency or person can understand;
 2. Advise the placing agency or person that the licensee will provide a copy of the licensee's policies or procedures, upon request.
 3. Provide the name and telephone number of a staff person that the placing agency or person may contact to obtain information about the program, facility, or child.

- C. The licensee shall provide the placing agency or person with a copy of the licensee's grievance procedures required by R6-5-7429 and the statement of client rights required by R6-5-7423(C).
- D. The licensee shall obtain the dated signature of the placing agency or person indicating receipt of the information listed in subsections (A) through (C).
- E. Before obtaining the signature of a child's parent or guardian on a contract, consent, or release, the licensee shall explain the contents of the documents.

R6-5-7440. Orientation Process for a Child In Care

- A. A licensee shall provide a child admitted into care with the orientation described in this Section in a language and manner that the child can understand and to the extent developmentally appropriate to the child.
- B. During the first full day of a child's placement, a licensee shall:
 1. Explain the facility's emergency procedures;
 2. Show the child where emergency exits are located;
 3. Take the child on a tour of the facility; and
 4. Introduce the child to staff and other residents.
- C. During the first week following a child's admission and as part of each child's orientation, a licensee shall:
 1. Familiarize the child with the licensee's program;
 2. Explain the licensee's expectations and requirements for behavior;
 3. Explain the criteria for successful participation in and completion of or emancipation from the program;
 4. Make available a copy of the behavioral rules prescribed by R6-5-7456(A)(3)(a), (b), (c), (d), and (h);
 5. Make available a copy of the visitation and communication policy prescribed by R6-5-7448; and
 6. Describe and, upon request, make available a copy of the grievance procedures prescribed by R6-5-7429 and the statement of client rights prescribed by R6-5-7423(E).
- D. The licensee shall document the orientation and other information given to a child in the child's case record.

R6-5-7441. Child's Service Plan: Preparation; Review; Planning Participants

- A. **Service Plan Contents:** A child in care shall have a personalized service plan tailored to the child's unique background, needs, strengths, weaknesses, and problems. The plan shall include at least the following information:
 1. A description of services the child is to receive while in care, including services to ready the child for discharge or emancipation from the program;
 2. Goals and objectives for the child;
 3. Timelines for achieving each goal and objective;
 4. Recommendations for any after-care;
 5. Identification of persons invited to participate in service planning;
 6. The names and, if available, signatures of the persons who participated in service planning;
 7. Identification of persons responsible for implementing the service plan, with an explanation of each person's role; and
- B. **Timing for Plan Development and Review:**
 1. If a child has an existing service plan at the time of admission, the licensee shall:
 - a. Review the plan before or at the time of the child's admission; and
 - b. Assess the existing plan and make any necessary changes to conform to the requirements of this Section.

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2. If a child does not have a service plan at the time of admission, the licensee shall initiate service planning at the time of admission.
 3. Within 7 days of a child's admission, a licensee shall document all interim planning efforts identifying the child's needs and initial plans for service.
 4. No later than 30 days after the child's admission to a facility, the licensee shall complete the child's initial service plan and any initial modifications to an existing plan.
- C. Plan Review: The licensee shall review and update a child's service plan at least every 90 days following completion of the child's service plan described in subsection (B)(4).
- D. Planning Participants:
1. The licensee shall invite, or delegate the responsibility for inviting, at least the following persons to participate in development of the service plan and periodic review:
 - a. A representative of the facility;
 - b. A representative of the placing agency, if applicable;
 - c. The child, if the child's presence is developmentally appropriate; and
 - d. The child's parent or guardian.
 2. At least 1 participant on the service team shall have the qualifications listed in R6-5-7432(B)(1) or (2).
- E. Methods of Participation: The licensee shall allow service team members to participate in service planning through the following methods:
1. Attendance at a planning meeting;
 2. Submission of a written report or documentation;
 3. Review and approval of the plan through signing and dating; or
 4. Audio or audio-visual teleconference.

R6-5-7442. Discharge; Discharge Summary

- A. Policy and Procedure: A licensee shall have written policy and procedures for planned and unplanned discharges of children.
1. Before a child's planned discharge, the licensee shall explain the discharge plan to the child and help the child understand the plan.
 2. The licensee shall also explain the discharge plan to the person removing the child.
 3. Before discharging a child to another out-of-home placement, the licensee shall make a reasonable effort to:
 - a. Arrange for the service team to meet or communicate with a representative from the new placement to share information about the child; and
 - b. Arrange for the child to visit the new placement.
- B. Discharge Summary: Within 15 days of the date a child is discharged, the licensee shall complete a written discharge summary which shall include the following information:
1. The name, address, telephone number, and relationship of the person to whom the child was discharged;
 2. The planned and actual discharge dates;
 3. A summary of the contacts between the licensee and the facility or person to whom the child was discharged about the child's pending discharge;
 4. A summary of services provided during care;
 5. A list of medication provided during care, with a summary of the reasons for prescribing the medication and any outcomes of the medication;
 6. A summary of progress toward service plan goals;
 7. An assessment of the child's unmet needs and alternative services which might meet those needs;
 8. Any after-care plan and identification of any person or agency responsible for follow-up services and after-care; and

9. For an unplanned discharge, a description of the circumstances surrounding the unplanned discharge, including the licensee's actions.

- C. Notice of Unplanned Discharge: When a child's placing agency or person has not participated in the decision to discharge the child, the licensee shall notify the placing agency or person within 1 hour of discharge, or document attempts at notification.

R6-5-7443. Personal Care of Children

- A. A licensee shall provide children in care with:
1. Developmentally appropriate supervision, assistance, and instruction in, good habits of personal care and hygiene and culturally appropriate grooming;
 2. Necessary toiletry items; and
 3. The opportunity to have a daily shower or tub bath in private, as developmentally appropriate, or as otherwise prescribed in program policy.
- B. A licensee shall not allow community use of grooming and hygiene articles such as towels, toothbrushes, soap, hairbrushes, and deodorants.
- C. If a licensee restricts personal care or grooming practices, the licensee shall have a policy describing the restrictions and the reasons for the restrictions.

R6-5-7444. Children's Clothing and Personal Belongings

- A. A child may bring clothing and personal belongings to the facility and acquire belongings while in care, in accordance with the child's service plan and the facility's policy.
- B. If a licensee limits a child's right to have, wear, or display certain clothes or personal belongings, the licensee shall:
1. Have a written policy explaining the limitations and the reasons for the limitations; and
 2. Explain the limitations to the child in a form and manner that the child can understand.
- C. When a child is admitted, the licensee shall inventory the child's clothing and personal belongings; the licensee shall provide a copy of the inventory to the placing agency or person and keep a copy in the child's file.
- D. The licensee shall either store any restricted possessions or return the possessions to the child's placing agency or person.
- E. The licensee shall ensure that each child has a personal supply of clean and seasonable clothing as required for health, comfort, and physical well-being and as appropriate to the child's age, gender, size, and individual needs.
- F. The licensee shall allow a child to help select his or her own clothing when developmentally appropriate and allowed by programmatic requirements.
- G. The licensee shall have a policy governing retention, return, and disposal of the clothes and personal belongings of a child who has had an unplanned discharge. At the time of a child's planned discharge, the licensee shall allow the child to take clothing and personal belongings.

R6-5-7445. Children's Money; Restitution

The licensee shall provide opportunities for children to develop a sense of the value of money through allowances, earnings, spending, giving, and saving. Any practices regarding children's money shall comply with this Section.

1. The licensee shall have a written policy regarding allowances.
2. The licensee shall treat a child's money as that child's personal property.
3. The licensee may limit the amount of money to which a child may have access when the limitations are:
 - a. In the child's best interest and explained in the child's service plan; or

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- b. In accordance with the facility's program description.
- 4. The licensee shall not deduct sums from a child's allowance as restitution for damages caused by the child unless:
 - a. The licensee has discussed restitution with the child; and
 - b. The deduction is:
 - i. Reasonable in amount;
 - ii. Consistent with the child's ability to pay;
 - iii. In accordance with the licensee's policy; and
 - iv. Explained in the child's service plan.
- 5. The licensee shall maintain individual accounting records for the money of each child.

R6-5-7446. Nutrition, Menu, and Food Service

- A. A licensee shall have a written, dated menu of planned meals. The menu shall be available at the facility at least 1 week before meals are served. The licensee shall post the weekly menu in the dining area or in a location where children may review it. The licensee shall keep a copy of the menu and any menu substitutions on file for 1 year.
- B. A registered nutritionist or dietitian shall either prepare or approve the licensee's menus. The licensee shall maintain a record of any approvals for 1 year, and keep the record in a central location at the agency or facility.
- C. A licensee shall develop a specialized menu for a child with special nutritional needs. The licensee shall make special menus available to nutritional staff, but shall not post special menus in an area which is readily seen by other children in care.
- D. Menus shall reflect the religious, ethnic and cultural differences of children in care.
- E. When developmentally appropriate, a licensee shall allow children to make menu suggestions.
- F. A licensee shall provide each child with at least 3 meals daily, with no more than 14 hours between the evening and morning meals. Between meal snacks shall not replace regular meals.
- G. A licensee shall provide meal portions that are consistent with each child's caloric needs.
- H. A licensee shall serve children meals that are substantially the same as those served to staff unless special dietary needs require differences in diet.
- I. A licensee shall allow children to eat at a reasonable rate; unless otherwise prescribed in agency policy, staff shall encourage social interaction and conversation during meals.
- J. A licensee shall have potable water available at all times.
- K. Staff shall directly supervise children involved in food preparation.

R6-5-7447. Sleeping Arrangements

A licensee shall comply with the sleeping arrangement provisions in this Section.

- 1. A child age 6 or older shall not share a bedroom with a child of the opposite gender.
- 2. A child shall not share a bedroom with an adult unless 1 of the conditions listed in this subsection is met.
 - a. The child is younger than age 3.
 - b. The child's service plan contains specific reasons and authorization from the placing agency or person for a shared bedroom.
 - c. The child has a temporary need for special adult care during sleeping hours and the need is documented in the child's service plan.
 - d. The child has regularly shared a bedroom with another child in the licensee's care; the other child has reached age 18; and the placing agency and licensee agree that continuing the shared arrangement is in the best interests of both the child and the adult.

- e. The child is sharing a room with his or her mother.
- f. The sleeping area at the facility is a barracks which has been approved as described in R6-5-7461(B) R6-5-7462(B), and a paid staff member sleeps in the same room to supervise the children in care.
- 3. Only children age 8 or older may sleep on the upper bed of a bunk bed.
- 4. If a child has a documented record of behavior that poses a risk to other children in care, the licensee, in consultation with the placing agency or person, shall develop special sleeping arrangements for that child, to minimize the risk of harm to other children. The licensee shall document the arrangements in the child's service plan.

R6-5-7448. Visitation, Outings, Mail, and Telephones

- A. The licensee shall have a written policy and procedures regarding visitation, mail, telephone calls and other forms of communication between children and family, friends and other persons. The policy and procedures shall conform to the requirements of this Section.
 - 1. The licensee shall allow a child reasonable privacy during a visit unless the child's service plan requires supervised visitation.
 - 2. A licensee shall have facility visiting hours which meet the needs of the children and their parents.
 - 3. A licensee shall not deny, monitor, or restrict a child's communication with the child's social worker, attorney, Court Appointed Special Advocate, guardian ad litem, or clergy. The licensee may establish a schedule and rules for communication to prohibit undue interference with programming.
 - 4. A licensee shall not deny, monitor, or restrict communications between a child and the child's parent, guardian, or friends except as prescribed:
 - a. By court order;
 - b. In the child's service plan, which shall contain specific treatment reasons for the restriction which shall be time limited; or
 - c. In the facility's policy and statement of purpose required by R6-5-7423.
 - 5. The licensee may require a child to open mail in the presence of staff in order to inspect the mail for contraband.
 - 6. When a licensee is monitoring a communication as allowed in subsection (A)(4) above, the licensee shall tell the parties to the communication about the monitoring.
- B. The licensee shall have written policy and procedures to govern situations when a child temporarily leaves the facility on a visit or outing with a person other than a staff member. The procedures shall include:
 - 1. A method for recording the child's location, the duration of the activity, and the anticipated and actual time of the child's return;
 - 2. The name, address, and telephone number of the person responsible for the child while the child is absent from the facility; and
 - 3. A procedure for action if a child fails to return.
- C. Subsection (B) does not apply to regularly scheduled trips to school.

R6-5-7449. Educational and Vocational Services; Work Assignments

- A. The licensee shall have a written policy regarding its educational program or a plan for ensuring that each child attends an educational program in accordance with state and local laws.

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- B. Within 10 local school days of a child's admission to a facility, the licensee shall arrange for the educational needs of the child. The arrangements shall:
1. Meet the child's individual needs;
 2. Be consistent with the child's Individual Education Plan (I.E.P.) if applicable; and
 3. Comply with federal and state education laws.
- C. The licensee shall communicate with staff at an educational program in which a child in care is enrolled to discuss the child's progress. At a minimum, the licensee shall attend scheduled parent-teacher conferences.
- D. If a child's service plan provides for the child to receive vocational services, the licensee shall comply with the plan requirements.
- E. The licensee shall provide children in care with:
1. Space for quiet study;
 2. Developmentally appropriate supervision and assistance with homework; and
 3. Access to necessary reference materials.
- F. The licensee may use work assignments to provide an instructional experience for children in care, but shall not use a child as an unpaid substitute for staff.
- G. A work assignment shall be developmentally appropriate for a child, and scheduled at a time that does not interfere with other routine activities such as school, homework, sleep, and meals.

R6-5-7450. Recreation, Leisure, Cultural Activities, and Community Interaction

- A. A licensee shall have a written plan for making a variety of cultural, religious, indoor and outdoor recreational and leisure opportunities available for children in care. The plan shall:
1. Reflect the interests and needs of the children in care, including an allotment of time for children to pursue individual interests, and time to address the special needs of the children in the living unit;
 2. Provide for use of community resources such as schools, museums, libraries, parks, recreational facilities, and places of worship; and
 3. Specify procedures for children's participation in community activities and use of community resources.
- B. A licensee shall help children in care learn about the community in which the facility is located and use community resources, as developmentally appropriate.
- C. A licensee shall arrange transportation and supervision so that children in care can attend community activities and maximize use of community resources.
- D. The licensee shall make available recreational equipment that is suitable to the size, age, and developmental level of children in care.

R6-5-7451. Religion, Culture, and Ethnic Heritage

- A. A licensee shall have a written description of:
1. Its religious orientation, if any;
 2. Any religious practices observed at a facility;
 3. Any restrictions on admission based on religion; and
 4. How the licensee provides opportunities for each child to participate in religious activities in accordance with the faith of the child or the child's parent or guardian.
- B. A licensee's program and the service plans of children in care shall reflect consideration of and sensitivity to the racial, cultural, ethnic, and religious backgrounds of children in care.
- C. A licensee may encourage children to participate in religious, cultural, and ethnic activities but shall not require children to participate unless otherwise provided in the licensee's statement of purpose and program description.
- D. If a child asks to change religious affiliation while in care, the licensee shall obtain the written permission of the child's par-

ent or guardian before assisting the child in making the change. A licensee is not required to obtain this permission if a child changes religious affiliation without the licensee's assistance.

R6-5-7452. Medical and Health Care

A. General health care.

1. A licensee shall have a written plan for meeting the preventive, routine, and emergency physical and mental health needs of children in care. The plan shall identify where and from whom children at a facility may obtain qualified health care, 24-hours per day, 7 days per week.
2. A licensee shall ensure that children in care receive:
 - a. Preventive health services, including routine medical examinations and dental cleanings and examinations; and
 - b. The following health services, if necessary:
 - i. Evaluation and diagnosis;
 - ii. Treatment; and
 - iii. Consultation.
3. A licensee shall ensure that a child in care receives a developmentally appropriate explanation of any health treatment the child receives, in a language and manner the child can understand.
4. A licensee shall not ignore a child's complaints of pain or illness and shall document persistent complaints and any actions taken in response to the complaints.

B. Medical care.

1. A licensee shall arrange for a physician, physician's assistant, or nurse practitioner to give a child a medical examination within 1 week of the child's admission unless:
 - a. A licensed medical practitioner examined the child within the 45 days preceding the child's admission; and
 - b. The licensee has a report of the examination as prescribed in R6-5-7438(F)(4)(a).
2. A licensee shall also arrange for a child in care to receive an annual medical exam from a physician, physician's assistant, or nurse practitioner.
3. The initial and annual medical examinations shall include:
 - a. Screening for communicable disease unless restricted by law;
 - b. Vision and hearing screening; and
 - c. For children who wish to participate in sports or physically strenuous activities such as backpacking, an evaluation of the child's capacity to participate.
4. A licensee shall obtain a report of the examination, and, if applicable, a statement signed by the medical practitioner conducting the examination, or the practitioner's designee, regarding the child's capacity, fitness, and clearance to participate in sports or physically strenuous activities.
5. After attempting to determine a child's immunization history, a licensee shall arrange for the child to receive any routine immunizations and booster shots within 30 days of admission.

C. Dental care.

1. A licensee shall arrange for each child to have a dental examination within 60 days of admission unless the licensee is provided the written results of a dental examination conducted within 6 months prior to admission.
2. A licensee shall arrange for each child age 3 and older to receive a dental examination every 6 months.
3. In cooperation with the placing agency or person, a licensee shall arrange for a child to receive any prescribed dental care.

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D. First aid. A licensee shall equip the residence of each living unit with at least the following first aid supplies:

1. Adhesive strip bandages;
2. Sterile, individually wrapped gauze squares;
3. Roller gauze;
4. Adhesive tape;
5. Individually wrapped non-stick sterile pads;
6. A triangular bandage to be used for a sling;
7. Disposable latex gloves;
8. A pair of scissors;
9. A pair of tweezers; and
10. A cardiopulmonary resuscitation mouth guard or mouth shield.

R6-5-7453. Medications

A. A licensee shall have written policies and procedures governing medications. The policies and procedures shall specify:

1. The conditions under which medications can be prescribed and administered which shall be in accordance with any applicable laws;
2. The qualifications of the persons allowed to administer medications;
3. The qualifications of persons allowed to supervise self-administration of medication;
4. How a facility will document the prescription and administration of medication, medication errors, and drug reactions; and
5. How staff will notify a child's attending physician in cases of medication errors and drug reactions.

B. The licensee shall have a written medication schedule for each child who receives medication. The schedule shall include the following information:

1. Child's name;
2. Name of the prescribing physician;
3. Telephone number at which the prescribing physician can be reached in case of medical emergency;
4. Reason for prescribing the medication;
5. Date on which the medication was prescribed;
6. Generic or commercial name of the medication;
7. Dosage level and time of day when medication is to be administered, including any special administration instructions;
8. The date, time, and dosage administered; and
9. The signature of the person administering each dosage. If the medication is self-administered, the chart shall include the signature of the child and the person supervising the child's self-administration.

R6-5-7454. Storage of Medications

A licensee shall store medications as prescribed in this Section.

1. Medications shall be kept in securely locked spaces that are not used for any other purpose and to which children do not have access.
2. All medications requiring refrigeration shall be stored separately from food items, in a locked container, in a refrigerator and under temperature ranges recommended by the manufacturer.
3. All prescription medication shall be kept in its original container which shall have a label with the following information:
 - a. Child's name;
 - b. Name of the medication;
 - c. Prescribing physician;
 - d. Date of purchase and, if known, expiration date; and
 - e. Directions for administering.
4. All over-the-counter medication shall be kept in its original container with the manufacturer's label.

5. At least once every 90 days, the licensee shall dispose of all:

- a. Outdated medications;
- b. Medications for children no longer at the facility; and
- c. Medications specifically prescribed for an illness from which a child has recovered.

R6-5-7455. Children's Medical and Dental Records

A licensee shall maintain health records for each child. The records shall include the information listed in this Section if available to the licensee.

1. The child's past medical history of:
 - a. Immunizations;
 - b. Serious illness or injuries;
 - c. Surgeries;
 - d. Known allergies; and
 - e. Adverse drug reactions.
2. Developmental history.
3. Medication history.
4. History of any alcohol or substance abuse and treatment.
5. Immunizations provided while in care.
6. Medications received while in care and a record of any medication errors.
7. Copies of consents for treatment or care.
8. Authorization to participate in sports or physically strenuous activities, if applicable.
9. Reports of vision and hearing screening and physical and dental examinations.
10. Record of any treatment provided for specific illness or medical emergencies, including the name and location of medical personnel who provided treatment.
11. The name of the person or agency bearing financial responsibility for the child's health care.
12. Documentation showing the licensee's efforts, consistent with the terms of the placing agreement, to obtain glasses, hearing aids, prosthetic devices, corrective physical or dental devices, or any other health equipment recommended by a child's attending physician.

R6-5-7456. Behavior Management

A. A licensee shall have written behavior management policies and procedures which shall:

1. Be developmentally appropriate for the children in care;
2. Be designed to encourage and support the development of self-control.
3. Describe the following:
 - a. Behavior expectations of children;
 - b. Consequences for violations of the licensee's policies and rules which shall be:
 - i. Reasonably related to the violation; and
 - ii. Administered without prolonged and unreasonable delay;
 - c. Physical restraint and restrictive behavior management techniques used by the licensee;
 - d. The kinds of behaviors warranting use of physical restraints or restrictive behavior management techniques;
 - e. The licensee's methods of documenting use of physical restraints or restrictive behavior management techniques;
 - f. Behavior management techniques which require supervisory authorization or written documentation before being used;
 - g. The licensee's process for supervisory review to evaluate whether staff properly applied the restraints or techniques in a particular case; and

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- h. Behavior management techniques prohibited by the licensee.
 - B. The licensee's staff are responsible for control and discipline of children in care. The licensee shall not allow children to discipline other children.
 - C. The licensee shall not threaten a child or allow any child to be subjected to maltreatment, abuse, neglect, or cruel, unusual, or corporal punishment, including the following practices:
 - 1. Spanking or paddling a child;
 - 2. All forms of physical violence inflicted in any manner upon the body;
 - 3. Verbal abuse, ridicule, or humiliation;
 - 4. Deprivation of shelter, bedding, food, water, clothing, sufficient sleep, or opportunity for toileting;
 - 5. Force-feeding, except as prescribed by a licensed medical practitioner;
 - 6. Placing a child in seclusion;
 - 7. Requiring a child to take a painfully uncomfortable position, such as squatting or hending for extended periods of time; and
 - 8. Administration of prescribed medication or medication dosage without specific physician authorization.
 - D. To determine whether a licensee has violated subsection (C)(7), the Licensing Authority shall consider all the circumstances at the time of the action, including the following:
 - 1. The child's physical condition;
 - 2. Whether the child was taking any medications that may have affected the child's ability to perform the action, such as psychotropic medications or antibiotics;
 - 3. The climatic conditions under which the child was performing the action, such as intense heat or cold, rain, or snow;
 - 4. The level of force, if any, the licensee used to require the child to perform the activity and whether any use of force resulted in injury to the child; and
 - 5. Whether the activity was consistent with the licensee's program description and procedures.
 - E. The behavior management practices listed in this subsection are restricted. A licensee may use a restricted practice only when the licensee satisfies the conditions listed in subsection (F) and any additional conditions listed in this subsection.
 - 1. Required physical exercises such as running laps or performing push-ups, and assignment of physically strenuous activities, except:
 - a. As expressly prescribed in a child's service plan and as part of a regular physical conditioning program, or as part of a work experience that meets the requirements of R6-5-7449(F) and (G);
 - b. With documented clearance by a physician who is knowledgeable about the physical activities in which the child will participate; and
 - c. Within sight supervision of staff.
 - 2. Disciplinary measures taken against a group because of the individual behavior of a member of the group.
 - 3. Denial of visitation or communication with significant persons outside the facility solely as a consequence for inappropriate behavior.
 - 4. Use of a mechanical restraint unless:
 - a. The licensee's policy lists the qualifications of staff allowed to use the restraint;
 - b. Staff allowed to use the restraint have received training in the proper use of the restraint;
 - c. The licensee has documentation of the restraint training in the personnel file of the staff member;
 - d. Use of the restraint is authorized in a child's individual service plan; and
 - e. Staff have tried less restrictive measures which have failed.
 - 5. Physical restraint, except:
 - a. When the child needs restraint to prevent danger to the child or danger to another; and
 - b. After staff have tried less restrictive measures which have failed.
 - F. A licensee may use a restricted practice only when the practice and the circumstances warranting its use are:
 - 1. Consistent with the licensee's program description and purpose;
 - 2. Described in the licensee's behavior management policy;
 - 3. Used as prescribed in this Section; and
 - 4. Not otherwise prohibited by these rules.
 - G. If a licensee cannot use a specific physical restraint or behavior management technique on a particular child, the child's service plan shall describe the restriction.
- R6-5-7457. Body Searches**
If a licensee permits a body search of children in care, the licensee shall have a written policy describing the conditions warranting a body search and the procedures for conducting the search.
- 1. When searching a child, staff shall use the minimum amount of physical contact required to determine if the child has contraband.
 - 2. The licensee shall not conduct an internal body cavity search on a child.
 - 3. The licensee shall not use any instruments to search a child.
 - 4. The licensee shall not conduct a strip search beyond underwear.
 - 5. Unless a licensed medical practitioner is searching a child, a person of the same gender as the child shall do the search.
- R6-5-7458. Buildings; Grounds; and Water Supply**
- A. Structures and Improvements: A licensee shall maintain a facility's structures and improvements in good repair, free from danger to health or safety, and as prescribed in this subsection. The licensee shall:
 - 1. Repair doors, windows and other building features that protect a building from weather damage or pest infestation, within 48 hours of finding that the building part is in disrepair;
 - 2. Document efforts to make or obtain repairs if repairs cannot be completed in 48 hours;
 - 3. Keep buildings free of vermin infestation;
 - 4. Keep exits free of obstruction or impediments to immediate use; and
 - 5. Have barriers appropriate to the developmental needs of children in care to prevent falls from porches and elevated areas, walkways, and stairs.
 - B. Exits: The licensee shall equip each building used by children with exits as prescribed in this subsection.
 - 1. Each building shall have at least 2 exterior means of egress on each floor.
 - 2. Exits above ground level shall have an outside fire escape or a fire-resistant stairwell that has been approved by the state or a local fire inspector.
 - 3. Exit doors shall have only locks that allow the doors to be opened from the inside without use of a key or knowledge of special or restrictive operating procedures.
 - C. Grounds: A licensee shall maintain a facility's grounds in good condition, free from danger to health or safety, and as prescribed in this subsection. The licensee shall:
 - 1. Store garbage and rubbish in non-combustible, covered containers, separate from play areas;

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2. Remove refuse and recyclables from the building at least once a day;
 3. Remove refuse and recyclables from the facility grounds at least once a week.
 4. Use safeguarding measures to separate children in care from potentially hazardous areas on or near the facility grounds;
 5. Maintain fences and other barriers in good repair; and
 6. Locate and install playground or recreational equipment at the facility in accordance with the manufacturer's instructions and recommendations, and maintain the equipment in good repair and in accordance with the manufacturer's instructions and recommendations.
- D. Water supply: If a facility's water is from any source other than an approved public water supply, the licensee shall obtain a written water analysis report, showing that the water is potable and meets the applicable requirements for safe drinking water in 18 A.A.C. 4. The licensee shall get the analysis and report from a laboratory certified by the Department of Health Services before initial operation and each annual renewal.

R6-5-7459. Building Interior

- A. A licensee shall ensure that a facility's physical plant can structurally accommodate the physical and program needs of all children in care according to the standards prescribed in this Article and the licensee's own program description.
- B. The licensee shall keep a facility clean and sanitary.
- C. The licensee shall have and maintain furnishings as prescribed in this subsection.
 1. All living areas shall have furniture designed to suit the size and capabilities of the children in care.
 2. A licensee shall replace or repair broken, dilapidated, or defective furnishings and equipment.
 3. A licensee shall have mirrors in the facility to permit children in care to examine their personal appearance.
 4. A licensee shall secure the mirrors to walls at heights convenient to the children in care.
- D. A licensee shall ensure that all spaces used by children have outside ventilation from a window, louvers, air conditioning, or other mechanical equipment. A window or door used for outside ventilation shall have a screen.
- E. A licensee shall maintain a facility's residential environment at temperatures which do not:
 1. Exceed 85° F.;
 2. Fall below 65° F. during daylight hours; or
 3. Fall below 60° F. during sleeping hours.
- F. A licensee shall use thermometers scaled at no more than 2 degree increments to determine temperature.
- G. A licensee shall not use free-standing stoves which use wood, sawdust, coal, or pellets, or portable heaters as the primary source of heat for a residential area.
- H. A licensee shall safeguard hot water radiators or steam radiators and pipes or any other heating device capable of causing a burn.
- I. A licensee shall maintain and use all electrical equipment, wiring, cords, switches, sockets, and outlets in good working order, under safe conditions, in accordance with the manufacturer's recommendations, and as prescribed in this subsection.
 1. Electrical outlets in areas accessible to children younger than 6 shall have safety plugs or plates.
 2. The licensee shall not:
 - a. Use extension cords exceeding 7 feet in length;
 - b. Allow extension cords to be connected together to extend their length; or
 - c. Allow extension cords to run across or through a room or to pass from 1 room into another.

- J. A licensee shall illuminate a facility's rooms, corridors and stairways so that children and personnel can perform activities and tasks safely and without eye strain, and at the following minimum lighting intensities:
 1. At least 15 foot candles in living and sleeping areas;
 2. At least 30 foot candles in study areas; and
 3. At least 30 foot candles in food preparation areas.
- K. A licensee shall illuminate a facility's outdoor walkways and premises so that children and personnel using areas at night can perform activities and tasks safely.
- L. A licensee housing more than 10 children shall install and maintain emergency lighting systems in children's living quarters.
 1. In this subsection, "emergency lighting system" means a battery or generator operated system that:
 - a. Automatically activates if electrical power fails; and
 - b. Provides sufficient light for persons to exit safely in an emergency.
 2. If a licensee provides written documentation showing that a facility's emergency lighting system meets applicable city or county building codes for such systems, the system is presumed adequate to satisfy this subsection.

R6-5-7460. Kitchens; Food Preparation; and Dining Areas

- A. A licensee shall maintain a facility's kitchen and dining areas, and shall handle food, as prescribed in this Section.
- B. The licensee shall:
 1. Equip a facility kitchen used for meal preparation with the fixtures, appliances, equipment, tools, and utensils ("kitchen equipment") necessary for the safe and sanitary preparation, storage, service, and cleanup of food;
 2. Keep kitchen equipment clean and in good working order;
 3. Not use defective, damaged, tin, or aluminum dishes or utensils;
 4. Not use disposable dinnerware or flatware on a daily basis unless the licensee provides evidence, at the time of initial licensure and at each renewal, that disposable items are necessary to protect the health or safety of children in care;
 5. Maintain the temperature of potentially hazardous food at or below 45° F. or above 140° F., except when the food is being handled or served;
 6. Cover all food that is to be transported outside of the kitchen and dining areas of the facility; and
 7. Not use home canned foods.
- C. If a facility has more than 20 children, the licensee shall comply with the requirements in A.A.C. R9-8-132 through R9-8-137.
- D. If a facility has less than 21 children, the licensee shall comply with A.A.C. R9-8-113, R9-8-115, R9-8-116, R9-8-117, and R9-8-121 through R9-9-127, and shall have:
 1. One refrigerator for each 10 children at a facility; and
 2. A 3-compartment sink; or
 3. A National Sanitation Foundation (NSF)-listed dishwasher; or
 4. A domestic dishwasher with a sanitizer cycle.
- E. A facility shall have clean dining areas and tables which allow children, staff, and guests to eat together.

R6-5-7461. Sleeping Areas and Furnishings

- A. A licensee shall provide each child in care with a designated area for rest and sleep as prescribed in this Section.
 1. A licensee shall not use mobile dwellings, trailers, or vehicles as sleeping quarters.
 2. The licensee shall provide children in care with bedroom space that:

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- a. Has a direct source of natural light;
 - b. Has a window that:
 - i. Opens to the outside without a grill or other impediment to immediate, emergency exit;
 - ii. Can be easily opened from the inside;
 - iii. Measures at least 22 inches on each side; and
 - iv. Has a bottom sill that is no more than 48 inches from the floor; and
 - c. Is at least:
 - i. A 74 square foot floor area for a single occupant;
 - ii. A 50 square foot floor area for each occupant in a multiple sleeping area; or
 - iii. A 40 square foot floor area for each crib.
3. The licensee shall provide each child in care with a bed that:
- a. Is proportional to the child's height;
 - b. Is at least 30 inches wide;
 - c. Has a solidly constructed bed frame; and
 - d. Has safety railings if developmentally appropriate for the child using the bed.
4. If a licensee uses a bunk bed, the bed shall be limited to a double bunk, and shall have sufficient head room to allow the upper occupant to sit up.
5. A licensee shall use only cribs that have:
- a. Bars or slats no more than 2-3/8 inches apart;
 - b. A mattress that fits snugly into the crib frame so that there is no space between the mattress and frame; and
 - c. No openings through which a child could place his or her head.
6. A licensee shall provide sheets, pillow cases, and blankets for each child and shall maintain bedding in good repair, without tears or stains.
- a. The licensee shall ensure that sheets and pillowcases are washed at least weekly and more frequently if necessary.
 - b. The licensee shall use water resistant bedding when necessary.
7. A licensee shall provide each child with a dresser or other storage space adequate to contain the child's belongings and a designated space for hanging clothing in or near the child's bedroom.
- B. The square footage area prescribed in subsection (A)(2)(c) is presumed adequate. If a licensee operates a barracks type facility which does not meet these square footage requirements, the licensee shall present a written plan showing how the licensee's square footage provides enough space for sleeping, rest, study, recreation, ingress, and egress in an emergency. The Licensing Authority shall review and approve the plan if it is consistent with the licensee's described program and does not pose a risk of harm to children in care.
- R6-5-7462. Bathrooms**
- A. A licensee shall maintain bathrooms and bathroom fixtures in good operating and sanitary condition, and as prescribed in this Section.
- 1. The licensee shall have facility bathrooms equipped with:
 - a. At least 1 wash basin and 1 toilet for every 6 children in care;
 - b. At least 1 bathtub or shower for every 8 children in care;
 - c. Cold and hot running water, with enough hot water to allow each child a daily bath or shower;
 - d. Bathtubs and showers that are slip-resistant; and
 - e. Toilets and bathtubs or showers which allow a child to have privacy, as developmentally appropriate, or as otherwise prescribed in written program policy.
 - 2. The licensee shall not permit children age 5 or older who are of different genders to share a bathroom at the same time.
 - 3. The licensee shall equip bathrooms to facilitate maximum self-help by children through 1 or more of the following methods:
 - a. Providing children with step-stools to reach a sink;
 - b. Providing smaller sized bathroom fixtures;
 - c. Providing training toilets;
 - d. Placing towel racks and dispensers at lower heights; or
 - e. Other similar or comparable methods.
 - 4. A licensee shall have bathrooms large enough to permit staff to help children who require it.
 - 5. A licensee shall provide bathrooms with sufficient toilet paper, towels, soap, and other items required to maintain good personal hygiene, or shall provide children with personal supplies of these items.
- B. The bathroom fixture requirements prescribed in subsections (A)(1)(a) and (b) are presumed adequate. If a licensee operates a barracks type facility which does not meet these requirements, the licensee shall present a written plan showing how the licensee's bathroom facilities permit children in care to maintain adequate hygiene. The Licensing Authority shall review and approve the plan if it is consistent with the licensee's described program and does not pose a risk of harm to children in care.
- R6-5-7463. Other Facility Space; Staff Quarters**
- A. A licensee shall ensure that a facility has:
- 1. A place other than children's living areas to serve as an administrative office for records, secretarial work, and bookkeeping; and
 - 2. Space for private discussions and counseling sessions between individual children and staff.
- B. If a licensee has staff who reside at the facility, the licensee shall provide those staff with living and sleeping space that is separate from children's areas, including a separate bathroom. The licensee shall provide the children of these staff, who also reside at the facility, with a residential environment that meets the requirements of this Article for children in care.
- C. A licensee operating a barracks type facility that has been approved as described in R6-5-7461(B) and R6-5-7462(B) is not required to provide separate space as described in subsection (B).
- R6-5-7464. Fire, Emergency, and Fire Prevention**
- A. Emergency Procedures: A licensee shall have written procedures for staff and children to follow in case of emergency or disaster (natural, medical, or human-caused). The procedures shall include the following:
- 1. Provisions for the evacuation of buildings, including the evacuation of children with physical disabilities;
 - 2. Assignment of staff to specific tasks and responsibilities;
 - 3. Instructions on the use of alarm systems and signals;
 - 4. Specification of evacuation routes and procedures, with clearly marked diagrams; and
 - 5. Notification as prescribed in R6-5-7434.
- B. Emergency Practices and Drills: A licensee shall prepare staff and children to respond to emergencies as prescribed in this subsection.
- 1. The licensee shall train all staff to perform assigned tasks during emergencies, including the location and use of fire fighting equipment.

2. The licensee shall train staff and children to report fires and other emergencies in accordance with written emergency procedures.
 3. The licensee shall post evacuation procedures in conspicuous locations throughout all buildings.
 4. The licensee shall train staff and children in evacuation procedures and conduct emergency drills at least once a month as prescribed in this subsection.
 - a. Practice drills shall include actual evacuation of children to safe areas.
 - b. Drills shall be held at random times and under varying conditions to simulate the possible conditions in case of fire or other disaster.
 - c. All persons in the building at the time of a drill shall participate in the drill.
 5. A licensee shall maintain a record of all emergency drills. The record shall include:
 - a. Date and time of drill;
 - b. Total evacuation time;
 - c. Exits used;
 - d. Problems noted; and
 - e. Measures taken to ensure that children understand the purpose of a drill and their responsibilities during a drill.
- C. Fire Prevention and Control:** A licensee shall have and maintain fire prevention and safety equipment as prescribed in this subsection.
1. In a facility's residential environment, the licensee shall install and maintain smoke detectors according to the manufacturer's instructions, recommendations, and test specifications and shall maintain smoke detectors in good working order. Each smoke detector shall have a signal to indicate that batteries are low or are not working properly.
 2. The licensee shall put a smoke detector in each separate sleeping area.
 3. The licensee shall clean and test smoke detectors at least every 3 months. The licensee shall keep a written record of the cleaning and testing at the facility.
 4. A licensee shall install and maintain portable fire extinguishers appropriate in number and size to the area to be protected.
 5. A licensee shall have a qualified person inspect and, if necessary, recharge fire extinguishers at least once a year and immediately after use.
 6. A licensee shall:
 - a. Document the dates that a fire extinguisher is charged and the person or agency responsible for charging it; and
 - b. Attach the documentation to the extinguisher.
- R6-5-7465. General Safety**
- A. Ground Floor:** A licensee shall house non-ambulatory children and children younger than 6 only on the ground floor.
- B. Dangerous objects:** A licensee shall safeguard all potentially dangerous objects, including:
1. Firearms and ammunition;
 2. Recreation and hunting equipment;
 3. Household and automotive tools;
 4. Sharp objects such as knives, glass objects and pieces of metal;
 5. Fireplace tools, matches and other types of lighters;
 6. Machinery;
 7. Electrical wires, boxes and outlets;
 8. Gas appliances;
 9. Chemicals, cleaners, and toxic or flammable substances;
 10. Swimming pools, ponds, spas and other natural or artificial bodies of water; and
 11. Motorized vehicles.
- C. Water Temperature:** A licensee shall maintain water that is accessible to children for personal use at a temperature at or below 120° F..
- D. Gas appliances:**
1. A licensee shall have a licensed and bonded heating and cooling technician annually inspect all gas-fired devices at a facility. The licensee shall get a written report of the inspection for submission to the Licensing Authority at the time of license renewal.
 2. A licensee shall equip all gas-fired devices with an automatic pilot gas shut-off control.
 3. A licensee shall remove the valves from unused gas outlets and cap the disconnected gas line with a standard pipe cap.
 4. A licensee shall not use unvented water heaters.
 5. A licensee shall not use kerosene or gasoline for lighting, cooking or heating.
 6. If a licensee uses a natural or propane gas burning device inside a facility, the licensee shall:
 - a. Install, test, and check carbon monoxide monitoring equipment in a facility's residential environment according to the manufacturer's instructions;
 - b. Maintain the monitoring equipment in good working condition; and
 - c. At the facility, keep a copy of the manufacturer's instructions, and, for 1 year, a record of the tests.
- E. Finishes and surfaces:**
1. A licensee shall not surface walls or ceilings with materials containing lead except as allowed by law for protection from wood, pellet, or peat burning stoves.
 2. A licensee shall not have any walls, equipment, furnishings, toys or decorations surfaced with lead paint.
 3. A licensee that accepts children who are under age 6, developmentally disabled, or severely emotionally disturbed, shall maintain the facility free of lead paint hazards, including permanent removal of any paint that a child may ingest.
- F. Toxic and Flammable Substances:**
1. A licensee shall ensure that any poisons and toxic or flammable substances used at a facility are used in a manner and under conditions that will not contaminate food or be hazardous to children.
 2. A licensee shall ensure that containers of poisons and toxic or flammable substances are prominently and distinctly marked or labeled for easy identification of contents.
 3. A licensee may burn trash only when:
 - a. Local authorities and ordinances allow burning;
 - b. The fire is at least 50 feet from any building used for children's residences; and
 - c. An adult supervises any child involved in the burning.
 4. A licensee shall not use charcoal or gas grills indoors or on covered porches.
- G. Firearms, Weapons, and Recreational and Hunting Equipment:**
1. A licensee shall ban firearms, explosives and ammunition from a facility and grounds, except a licensee may allow the following:
 - a. Firearms maintained and used exclusively by trained security guards; and
 - b. Non-functional, permanently disabled firearms used for ceremonial purposes if such use is documented in the licensee's policy and procedures.

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2. A licensee shall keep bows and arrows, knives, and other potentially hazardous hunting and recreational equipment in locked secure storage which is not accessible to children.
- H. **Tools and Equipment:** A licensee shall maintain lawn and garden equipment and maintenance tools and equipment safe and in good repair, and shall allow children to use them only under the supervision of staff. Depending on the developmental level of the child, the supervision need not be direct supervision.
- I. **Telephone service:**
 1. A licensee shall equip each living unit with 24-hour telephone service or an intercom system linked to an outside telephone service.
 2. A licensee shall conspicuously post, adjacent to the telephone,
 - a. The address and telephone number of the facility; and
 - b. Emergency telephone numbers, including fire, police, physician, poison control, Child Protective Services, and ambulance.
- J. **Smoking:**
 1. A licensee shall not expose a child in care to tobacco products or smoke.
 2. A licensee shall not allow any person to use tobacco products inside buildings.
 3. A licensee shall not allow a child in care to use or possess tobacco products.
- K. **Animals:**
 1. The licensee shall not maintain, at a facility, any animal that poses a danger to children in care.
 2. The licensee shall have written evidence that dogs kept at a facility have current vaccinations against rabies.

R6-5-7466. Swimming Areas.

- A. A licensee shall fence an outdoor swimming pool to separate it from all buildings, with a fence that:
 1. Is at least 5 feet high, as measured on the exterior side of the fence; and
 2. Has a self-closing, self-latching gate that opens away from the swimming pool. The licensee shall maintain the latching equipment in good working order.
 - B. If the licensee accepts children younger than 6, the fence shall:
 1. Have no opening through which a spherical object of 4 inches in diameter can pass;
 2. Have horizontal components which:
 - a. Are spaced at least 45 inches apart, measured vertically; or
 - b. Do not have any openings greater than 1-3/4 inches, measured horizontally; or
 3. Not have any openings for handholds or footholds, or any horizontal components, that can be used to climb the fence from the outside.
 - C. Subsections (A) and (B) do not apply to outdoor swimming pools that are entirely surrounded by permanent walls or buildings with doors that can be locked, so long as the walls or building meet the requirements for fencing set forth in subsections (A) and (B).
 - D. A licensee shall lock all entrances to a swimming pool when the pool is not in use.
 - E. A licensee shall maintain the following life-saving equipment in good repair and readily accessible to the swimming pool:
 1. A ring buoy with 1/2-inch width rope that is at least half the distance of the pool measured at its longest point, plus 10 feet; and
 2. A shepherd's crook attached to its own pole.
 - E. At least 1 of the staff members supervising children in a pool, shall remain out of the water.
 - G. When a pool is in use, a licensee shall keep a daily log to record water quality test results of an on-grounds swimming pool and shall maintain the pool free from contamination in accordance with 9 A.A.C. 8, Article 8.
 - H. The licensee shall, when chlorination is used, maintain a free chlorine residual of between 0.1 and 4.0 parts per million, and a pH range of 7.0 to 8.0. A licensee may add dry or liquid chemical sources directly to pool water only when enough time exists for dispersal before use.
- R6-5-7467. Access; Transportation; Outings**
- A. **Access.**
 1. A facility shall be accessible by public or private motor vehicle.
 2. If the facility cannot be accessed by a road that is passable by motor vehicle 12 months of the year the licensee shall have alternative transportation arrangements to provide access to the facility.
 - B. **Transportation.**
 1. A licensee shall provide, arrange, or negotiate responsibility for arranging, with the placing agency or person, transportation required to implement a child's service plan.
 2. A licensee shall provide staff supervision in any vehicle the licensee uses to transport a child in care.
 - C. **Outings.**
 1. For every facility sponsored outing which is not part of the daily routine, such as a recreational trip of 4 hours or more, or an outing where emergency medical services cannot respond within 12 minutes, a licensee shall maintain, at the facility, a record of the following information:
 - a. A list of children participating in the outing;
 - b. Departure time and anticipated return time;
 - c. License plate numbers of every vehicle used for the outing; and
 - d. Name, location, and, if known, telephone number of the destination.
 2. The licensee shall give the driver of a vehicle written emergency information on each child who is participating in the outing and riding with that particular driver.
 3. The person supervising the child shall keep the information during the outing. The information shall include:
 - a. Each child's medication requirements, if any;
 - b. Common and known potential adverse reactions a child may have to a medication;
 - c. Adverse reactions a child may have as the result of delay in administration of medication; and
 - d. Any other adverse reaction a child is likely to have due to the child's special needs, including allergic reactions to particular substances or insects.
 4. The licensee shall tell the driver about a child's particular needs or problems which may reasonably cause difficulties during transportation, including seizures, tendency toward motion sickness, disability, anxiety, or other phobias.
 - D. **Extended outings:** If a licensee takes children in care on an outing that lasts more than 30 consecutive days, the licensee shall:
 1. Obtain court permission for any children who are court wards;
 2. Comply with the requirements in R6-5-7469 through R6-5-7471 governing outdoor experience programs.
 - E. **Vehicles.**
 1. A licensee shall ensure that all vehicles used for the transportation of children in care:
 - a. Are mechanically sound and in good repair;
 - b. Conform to applicable motor vehicle laws; and

- c. Have equipment appropriate to the terrain and the weather.
- 2. The licensee shall not allow the number of individuals in a vehicle used to transport children in care to exceed the number of available seats and seat belts in a vehicle other than a bus. If the vehicle is a bus, the licensee shall not exceed the maximum stated occupancy on the bus inspection certificate.
- 3. A licensee serving nonambulatory children or children with disabilities shall provide access to transportation that accommodates the children's special needs and disabilities.

R6-5-7468. Special Provisions for Shelter Care Facilities

- A. General Requirements: A licensee operating a shelter care facility shall comply with all requirements prescribed in this Article, unless otherwise provided in this Section.
- B. Admission Policy and Practice:
 - 1. If a child has already been in shelter care for more than 42 days, a licensee shall not admit the child into shelter care at the licensee's facility, or permit the child to continue residing at the licensee's facility, unless the licensee has:
 - a. Asked the child's placing agency or person to have a multidisciplinary team:
 - i. Assess the child through a review of the child's records or in person; and
 - ii. Develop a service plan for the child; and
 - b. Documented the request in the child's record.
 - 2. When a child self-refers to a shelter care facility, the licensee shall, within 24 hours of the child's arrival:
 - a. Notify the Department or the child's guardian; and
 - b. Document the placing agency or person's consent for the child's continued placement in a written agreement with the placing agency or person, or by obtaining a court order.
 - 3. A licensee does not have to obtain medical information and consents before or at the time of a child's admission to a shelter care facility as prescribed in R6-5-7438(E)(4) and (5), but shall document attempts to obtain the medical consents from the placing agency or person within 2 days of the child's admission.
 - 4. At the time of a child's admission, the licensee is not required to obtain the comprehensive intake assessment required by R6-5-7438(D), but shall work with the placing agency or person to compile information on and assess the child's current social, behavioral, psychological, developmental, health, legal, family, and educational status, as applicable to the child.
- C. Staff-child ratio: A shelter care facility shall comply with the staff-child ratios prescribed in R6-5-7437, except that a licensee who accepts 6 or more children in care at a shelter facility shall have at least 1 awake staff member on duty during sleeping hours.
- D. Staff development: In addition to the training requirements prescribed in R6-5-7433, a licensee shall train staff members who work at a shelter care facility to recognize the signs and effects of:
 - 1. Substance use and abuse;
 - 2. Common childhood illness; and
 - 3. Communicable disease.
- E. Medical care: A shelter care facility does not have to provide or arrange a medical examination as required by R6-5-7452(B)(1) unless the general health assessment required by R6-5-7438(E)(9) indicates a need for further medical attention.
- F. Service planning: Unless a child remains in continuous shelter care for more than 42 consecutive days, a licensee operating a

shelter care facility is not required to comply with the R6-5-7441 regarding service planning.

- G. Children's records: A licensee shall maintain a record for each child in a shelter care facility as prescribed in R6-5-7428 except the licensee need not:
 - 1. Comply with R6-5-7441, except as otherwise provided in subsection (F) above; or
 - 2. Maintain treatment or clinical records and reports or progress monitoring notes as required by R6-5-7428(9) and (13).

R6-5-7469. Special Provisions and Exemptions for Outdoor Experience Programs

- A. A licensee operating an outdoor experience program shall comply with the requirements in 6 A.A.C. 5, Article 74, except as otherwise provided in this Section.
- B. An outdoor experience program shall not accept children younger than age 8.
- C. An outdoor experience program is exempt from the requirements set forth in the following rules:
 - 1. R6-5-7458. Buildings; Grounds; Water Supply;
 - 2. R6-5-7459. Building Interior;
 - 3. R6-5-7460. Kitchens; Food Preparation; and Dining Areas;
 - 4. R6-5-7461. Sleeping Areas and Furnishings;
 - 5. R6-5-7462. Bathrooms;
 - 6. R6-5-7463. Other Facility Space; Staff Quarters;
 - 7. R6-5-7464. Fire, Emergency, and Fire Prevention;
 - 8. R6-5-7465. General Safety;
 - 9. R6-5-7466. Swimming Areas;
 - 10. R6-5-7467. Access; Transportation; Outings; and
 - 11. R6-5-7468. Special Provisions for Shelter Care Facilities.
- D. An outdoor experience program shall comply with the requirements in R6-5-7470 and R6-5-7471.
- E. If there is a conflict between the requirements set forth in R6-5-7401 through R6-5-7468 and the requirements set forth in R6-5-7469 through R6-5-7471, the latter requirements govern.

R6-5-7307. R6-5-7470. Mobile program planning Planning Requirements for Outdoor Experience Programs

- A. Definitions. As used in this Section, the term "agency" means a licensee operating an outdoor experience program.
- A.B. Trip itinerary. The agency shall develop a tentative day-to-day itinerary and a trip map for each trip prior to departure. One copy each of the itinerary and map shall be distributed as follows: to the agency for its office files; to the mobile program staff; when appropriate, to local authorities at each point on the itinerary before departure; to the child placing agency representative for each child who will be departing on the trip, and to the Department licensing representative. When major amendments to the itinerary are necessary due to unforeseen circumstances on the trip, written notification to the designated individuals shall be made. The itinerary shall reflect the following:
 - 1. The travel schedule shall allow for daily periodic rest stops, relaxation, exercise and personal time.
 - 2. The travel schedule shall not exceed 5 5 consecutive days without at least 2 2 full intervening non-traveling days, unless emergency conditions such as storms force travel to safer sites.
 - 3. The travel schedule shall specify the number of days of the trip, including departure and return dates and times, and mileage to be covered each day.
 - 4. The travel schedule shall specify the route, specific tentatively planned locations of overnight stops, and activities in which children will participate.

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5. The travel schedule shall specify the ~~mode mode(s)~~ of transportation.

B.C. Trip plans. The agency shall develop written plans prior to the departure of each trip. These plans shall include:

1. The name, age, sex, address and emergency phone number of each staff participant and of each child's ~~parent~~ parent(s) or guardian and placing agency;
2. The exact location and access route for emergency rescue, search, fire, and medical assistance and law enforcement authorities at each program stop or location including the names, addresses, telephone numbers of other alternative means of communication with such authorities in case of an emergency. This information shall be included and identified on the trip map;
3. Contingency plans to deal with medical problems, fire, natural disasters, lost children and other emergencies;
4. Plans for the care of any person who, for any reason, must be excluded from the program for a period of time;
5. Provision for and storage within ready access of the program staff, documents which fully identify the group, its leadership, ownership of equipment, purpose, insurance coverage, home base, and which contain completed health history forms and emergency treatment release forms;
6. Identification of appropriate sources or locations for water, food, doing laundry, bathing, liquid and solid waste and garbage disposal;
7. A scheduled progress and condition report system between the mobile program and the agency administrator;
8. The maintenance by staff of a trip log which details each day's operation including travel time, mileage covered and occurrences of the day;
9. The safe storage for all supplies and equipment while in transit as well as at the campsites.

C.D. Pre-departure procedures

1. The appropriate permissions shall be secured, if possible prior to departure, for traveling on roads and properties, using sites, and building fires.
2. Prior to departure, each child shall receive medical clearance from a physician in order to participate in the mobile portion of the program.
3. Prior to departure, all children and staff shall receive instruction in the safe and proper use of all equipment to be used on the trip.
4. Prior to departure, all children and staff shall be oriented as to safety regulations, emergency procedures and transportation to emergency facilities and/or personnel.
5. Prior to departure, the route, activities and logistics shall be approved in writing by the agency administrator.
6. An emergency liaison coordinator shall be appointed prior to departure. This coordinator or ~~the~~ coordinator's ~~his/her~~ designee shall be available on a 24-hour basis. This person shall be located at the agency administrative office, and shall be at least 21 years of age and shall possess the following information about the program:
 - a. Names of individuals on the trip, including the staff member in charge;
 - b. Exact trip itinerary;
 - c. Number of days, including departure and return dates and times;
 - d. Rescue and evacuation plans and locations;
 - e. Pertinent medical information about program participants.

~~R6-5-7308. R6-5-7471~~ Special Physical environment and safety Environment and Safety Requirements for Outdoor Experience

Programs

A. Definition. As used in this Section, the term "agency" means a licensee operating an outdoor experience program.

A. B. Campsite location

1. General. The agency shall conduct activities on sites appropriate for the children in terms of individual needs, program goals, and access to service facilities.
2. Hazards
 - a. When selecting a campsite, the agency shall consider supervision of children, security, evacuation routes, animal hazards, and weather conditions, including the possibilities of lightning or flood.
 - b. A campsite shall be located on land that provides good drainage. A campsite shall not be located in a river bed or desert wash.
 - c. A campsite shall be free of debris, poisonous vegetation, and uncontrolled weeds or brush.
 - d. Children shall be warned and protected from hazardous areas such as traffic, cliffs, sinkholes, pits, falling rock or debris, abandoned excavations and poisonous vegetation. Hazardous areas shall be guarded or posted to reduce the possibility of accidents.

B. C. Physical environment

1. Sleeping shelters

- a. All tents, teepees, or other sleeping shelters made of cloth shall be fire retardant or, if purchased after ~~January 1985 the effective date of these regulations,~~ shall be of the fiber-impregnated flame-retardant variety. Plastic sleeping enclosures of any type are prohibited.
- b. Tents or other shelters used for sleeping areas shall be easily cleanable and in good repair, shall be structured and maintained in safe condition and shall afford adequate protection against inclement weather.
- c. Tents or other types of temporary shelters shall provide sleeping space of not less than 15 square feet per person.
- d. Campfires and open flames of any type are prohibited within 21 feet of any tent, teepee or other sleeping shelter.
- e. Smoking is prohibited within any sleeping shelter.
- f. All sleeping shelters shall be posted with a permanent warning "No open flame in or near this shelter". This warning shall be on a sign or stenciled directly on the shelter.
- g. Sleeping areas shall have direct exit access to the outside which is free of all obstruction or impediments to immediate use in the case of fire or other emergency.

2. Sleeping equipment

- a. Sleeping equipment shall be provided by the agency and shall be clean, comfortable, non-toxic and fire-retardant.
- b. Sleeping equipment shall provide reasonable insulation from cold and dampness. In addition to sleeping bag or blankets, insulation from the ground such as with a waterproof ground cloth or air or foam mattress shall be provided. A waterproof sleeping bag is not satisfactory.
- c. All sleeping equipment shall be laundered, dry cleaned and otherwise sanitized between assignment to different children or staff. Bedding shall be aired at least once every 5 days and laundered, dry cleaned and sanitized once every 30 days.

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- d. Each child shall have a place for ~~personal~~ his own sleeping equipment, clothes, and personal belongings. Such items shall be labeled or marked as to which child is using or owns such items.
 - 3. Outdoor toilet areas
 - a. The agency with outdoor toilet areas shall provide facilities which allow for individual privacy.
 - b. Toilet areas shall be constructed, located and maintained so as to prevent any nuisance or public health hazard. Facilities provided for excreta and liquid waste disposal shall be maintained and operated in a sanitary manner as prescribed by the Arizona Department of Health Services in ~~A.A.C. A.C.R.R. R9-8-301 R9-8-1101 through R9-3-308 R9-8-1111, and the Arizona Department of Environmental Quality in 18 A.A.C. 8, Article 6 A.C.R.R. R9-8-1201 through R9-8-1244.~~
 - c. Toilet areas which do not have plumbing shall be located at least 75 feet from but within 300 feet of any living/sleeping area, and shall be located at least 100 feet from any lake, stream, or water supply.
 - d. Toilets, outhouses, or portable shacks shall be adequate in number based on 1 + seat for every 10 children in care.
 - i. There shall be a minimum of 2 seats if there are more than 5 children.
 - ii. If the agency serves physically disabled children, toilet facilities shall provide 1 seat for every 8 persons.
 - e. Toilet facilities shall be well ventilated, allow for air circulation, be screened and periodically treated to deter insects, and be in good repair. An adequate supply of toilet paper shall be provided.
 - f. Toilets, outhouses and portable shacks shall be cleaned and disinfected at least daily. Portable shacks shall be dumped daily in an approved dump station.
 - g. Toilet seats shall be constructed of nonporous materials. Wood is not acceptable.
 - h. Handwashing facilities shall be adjacent to the toilet area and shall be separate and apart from sinks and areas used for food preparation or washing pots, pans, kitchen and eating utensils. Individual soaps and hand-drying devices shall be available.
 - 4. Food preparation and serving
 - a. Menus. Menus shall be planned at least 1 + week in advance and shall then be dated, posted, and kept on file for 1 + year.
 - b. Food
 - i. All food and drink shall be stored to prevent spoilage. Only the foods which can be maintained in a wholesome condition with the equipment available shall be used.
 - ii. All milk and milk products utilized by the agency shall be obtained from sources approved by the State Department of Health Services.
 - iii. Only pasteurized milk and U.S. Government-inspected meat shall be served to the children. Powdered milk may only be used for cooking or when no refrigeration is available on a wilderness trip.
 - iv. Spoiled or contaminated foods shall not be used.
 - v. Raw fruits and vegetables shall be washed before use.
 - c. Preparation
 - i. All persons handling food shall wear clean outer garments and keep their hands and fingers clean at all times while handling food, drink, utensils, or equipment.
 - ii. Smoking in the food preparation area is prohibited.
 - iii. Handwashing areas, including water, soap, and approved sanitary towels or other approved hand-drying devices, shall be provided adjacent to food preparation areas.
 - iv. Areas in which food and drink is stored, prepared or served, or in which utensils are washed, shall be rodent proof, rodent free and rubbish free. They shall be cleaned after the serving of each meal. Any floors, walls, shelves, tables, utensils, and equipment in these areas shall be of such construction as to be easily cleaned, and shall be well lighted and ventilated.
 - v. All food preparation and service shall comply with applicable Arizona State Department of Health Services food service regulations; in 9 A.A.C. 8, Article 1 A.C.R.R. R9-8-110 through R9-8-191.
 - vi. No dish, receptacle, or utensil used in handling food for human consumption shall be used or kept for use if chipped, cracked, or broken.
 - vii. Prepared food shall be maintained at temperatures below 45° F. or above 140° F.; leftovers shall be reheated to 165° F.
 - d. Serving
 - i. Meal time shall be structured to make it a pleasant experience with sufficient time allowed for the children to eat at a reasonable, leisurely rate.
 - ii. Normal conversation shall be allowed and encouraged during meals.
 - e. Dish and utensil washing
 - i. Disposable or single-use dishes, utensils, receptacles or towels used in handling or preparing food shall be discarded after 1 use.
 - ii. Non-disposable food service dishes and utensils shall be cleaned and disinfected after each use in accordance with the following:
 - (1) A 3 compartment sink or vat shall be used. Dishes and utensils shall be thoroughly scraped, washed with soap or detergent in hot water, kept clean, then rinsed free of detergents in clear water and then immersed for a period of at least 2 minutes in a warm or hot chlorine solution containing at no time less than 50 parts per million of available chlorine or such other solution as may be approved by the state or local health authority.
 - (2) Sinks shall be large enough to thoroughly immerse pots and pans.
 - (3) Dish towels shall not be used.
 - (4) Dishes and utensils shall be air dried. Drain boards shall be provided for draining dishes and utensils.
- C. D. Equipment
 - 1. Tools. Power tools, garden tools, and repair equipment shall be kept in a locked area and used by children only under adult supervision.
 - 2. Protective clothing/equipment. Appropriate protective clothing/equipment shall be provided to children by the

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agency, when children are participating in potentially hazardous activities.

3. Program equipment

- a. The agency shall use program equipment that is maintained in good repair, stored in such a manner as to safeguard the effectiveness of the equipment, and is given a complete safety check periodically and immediately prior to each use. Equipment shall be discarded after a period of time designated by the manufacturer.
- b. The agency shall use program equipment appropriate to the age, size, and ability of each child in the activity.

D. E. Storage. The agency shall provide sufficient and appropriate storage facilities.

1. Toxic substances

- a. The agency shall have securely locked storage spaces for all harmful materials. The keys to such storage spaces shall be available only to authorized staff members.
- b. House and garden insecticides and other poisonous materials and all corrosive materials shall be kept in locked storage out of reach of children. Such storage shall not be in or near kitchen or food preparation or storage areas.
- c. The agency shall have only those poisonous or toxic materials needed to maintain the program.

2. Drugs

- a. A special cabinet shall be designated for medicine only. The medicine cabinet shall be kept locked and periodically cleaned. All outdated medications and those prescribed for past illnesses or for children discharged from the agency shall be destroyed.
- b. All prescription medicines, drugs, etc., requiring refrigeration shall be marked with the required temperature range and stored in a refrigerator with a thermometer separate from food items and maintained under temperature ranges recommended by the manufacturer.

3. Flammable materials. Flammable liquids and gases shall be stored in metal containers only. The storage area must be separated from the rest of the living/program area.

4. Food

- a. All food and drink shall be stored so as to be protected from dust, flies, vermin, rodents, and other contamination. No live animals shall be allowed in any area in which food or drink is stored.
- b. Food and nontoxic cleaning supplies must be stored separately. Clean dishes and utensils shall be stored on properly covered shelves or in containers which are cleaned once a week with a chlorine solution (1 ½ tablespoons of bleach to 1 ½ gallon of water or an acceptable equivalent).
- c. All perishable food items shall be kept refrigerated except during the time of preparation and service.
- d. The temperature of refrigerated food must be maintained within a range from 38°F. to 45°F.
- e. A thermometer shall be located in each refrigerator, including ice boxes and ice chests, as well as electric or gas refrigerators. Where ice and ice boxes or chests are used, adequate ice shall be provided, meats and other highly perishable foods shall not be stored over 24 hours and ice chests shall be drained to prevent accumulation of water from melted ice.

E. Water

1. Approved source. The agency must have a sufficient water supply which is potable and from an approved source or purified for drinking, brushing teeth, and cooking.
2. Water purification. Water purification tablets or other means of disinfecting water shall be available at all times. The agency shall have a written policy on effective purification methods to be employed according to the water sources utilized and possible types of contamination.
3. Bathing. Warm water facilities shall be planned for and available for each child to bathe at least once a week.
4. Washing and laundering. Personal washing and laundering is not permitted in any body of water. Water used for these purposes shall be taken in a container from the lake, river or pond, and after use, shall be dumped on land at least 50 yards from the water source.
5. Drinking water
 - a. Cool, potable drinking water shall be available for all children at all times.
 - b. The use of a common drinking utensil is prohibited.

F. G. Sanitation

1. ~~Health and Environmental Department~~ requirements

- a. The disposal of sewage, garbage and other wastes shall be done in accordance with local health and applicable state health requirements, as provided for in 18 A.A.C. 8, Article 6 and 18 A.A.C. 9, Article 8 A.C.R.R. R9-8-301 through R9-8-361 and A.C.R.R. R9-8-401 through R9-8-433.
- b. The agency shall obtain sanitation inspections of mobile kitchens and/or mobile toilet facilities prior to each trip by state or county authorities. Written reports of the sanitary inspections shall be kept on file at the agency. The agency shall meet all local, state and federal health regulations.

2. Garbage and rubbish

- a. Garbage and rubbish shall be stored securely in durable, noncombustible, leakproof, non-absorbent containers covered with tight-fitting lids. Such containers shall be provided with a waterproof liner or thoroughly cleaned after each emptying.
- b. Garbage and rubbish storage shall be separate from living/sleeping areas.
- c. Garbage, rubbish and other solid wastes shall be disposed of twice weekly at an approved sanitary landfill or similar disposal facility. In areas where no facilities are immediately available, solid wastes shall be packed out or disposed of in a manner in accordance with the regulations governing the area.

3. Sewage and wastes

- a. Sewage and other liquid wastes shall be disposed of in a public sewage system or, in the absence thereof, in a manner approved by the local health authority.
- b. Where possible, adequate and safe sewage facilities with flush toilets shall be provided.

4. Insects and rodents. Methods utilized in control of insects and rodents shall be used in a safe, cautious manner to avoid poisonous or toxic contamination to human beings.

G. H. Safety

1. Emergency procedures

- a. The agency shall have and follow written procedures for staff and children in case of emergency. These procedures shall be developed with the assistance of qualified fire, safety and rescue personnel and shall include provisions for the evacuation of all program areas and assignment of staff.

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- b. The agency shall train staff and children to report fires and other emergencies appropriately. Children and staff shall be trained in fire prevention.
 - c. The agency shall conduct emergency drills which shall include actual evacuation of children to safe areas at least monthly. The agency shall provide training for personnel on all shifts in performing assigned tasks during emergencies and making personnel familiar with the use of agency fire-fighting equipment.
 - i. Emergency drills shall be held at unexpected times and under varying conditions to simulate the possible conditions of fire or other disasters.
 - ii. All persons in the program area shall participate in emergency drills.
 - iii. A record of such emergency drills shall be maintained.
 - iv. The agency shall make special provisions for the evacuation of any physically handicapped children in the program.
 - v. The agency shall help emotionally disturbed or perceptually handicapped children understand the nature of such drills.
2. General program safety
- a. The agency shall have written operating procedures, safety regulations and emergency procedures for special program activities in which children participate, including aquatics, diving, lifesaving, instructional swimming, recreational swimming, water skiing, skin diving, scuba diving, boating, canoeing, rowing, sailing, crafts, bicycling, farming, horse-back riding, mountaineering, rock climbing, rappelling, caving, outdoor living skills, physical fitness, snow and ice activities, archery, gymnastics, riflery, contact sports, backpacking, expedition travel, and animal handling.
 - b. The agency shall provide the written operating procedures, safety regulations and emergency procedures to the Department licensing staff for review and approval.
 - c. All children and staff shall receive instruction in the safe and proper use of all equipment and animals to be used by the program.
 - d. All children and staff shall be oriented as to safety regulations, emergency procedures and transportation to emergency facilities and/or personnel.
3. Electrical
- a. Electrical wiring and electrical appliances shall be installed in accordance with the National Electrical Code, which is incorporated by reference in the Arizona State Fire Code at, A.A.C. R4-36-201 A.C.R.R. R8-2-41.
 - b. Electrical wires extending over activity areas shall be fully insulated and located at least 12 feet above the activity area.
 - c. All exposed wiring shall be fully insulated.
4. Gas appliances
- a. The installation of gas appliances for lighting, cooking, space heating, and water heating shall conform to state and local codes. Where no code applies, the provisions of A.R.S. §§ 36-1621 through 36-1626, together with the standards for the installation of gas appliances and gas piping, shall be followed.
 - b. All unused gas outlets shall have the valves removed and shall be capped off with a standard pipe cap.
 - c. Gasoline shall not be used for lighting, cooking, or heating.
5. Fire safety equipment
- a. Portable fire extinguishers shall be available and maintained for emergency fire protection. The number and type shall depend on the area to be protected.
 - b. All fire extinguishers shall be inspected at least monthly by staff members for proper location and to determine whether they are accessible, fully charged and operable.
 - c. All fire extinguishers shall be inspected by an authorized fire extinguisher company at least once a year from the date of last charge and recharged immediately after use, or as otherwise necessary, showing the date of charging and the agency or company performing the work.
 - d. A dependable method of sounding a fire alarm shall be maintained in every agency area where children are located.
 - e. A written fire evacuation plan shall be posted.
- H. I. Water safety**
1. Water activities supervision
- a. A water activities program operated by the agency shall at all times be under the immediate supervision of a person holding current certification as a Red Cross Water Safety Instructor, a YMCA Instructor in swimming and life saving, or an Aquatic Instructor Boy Scouts of America. A water-activities program includes recreational and instructional swimming in a pool, on a beach, or other approved water areas, rowing, canoeing, sailing, boating, water skiing, snorkeling and scuba diving.
 - b. The water activities supervisor shall provide pre-service training programs for participating children, supervise qualified lifeguards for water activities and maintain water activities equipment in safe working order.
 - c. There shall be a minimum of 1 4 guard currently certified in Red Cross Advanced Lifesaving, YMCA Lifesaving or a Lifeguard Boy Scouts of America on duty for each 25 persons in or on the water, and in addition 1 staff member directly watching every 10 or less persons in or on the water.
2. Swimming procedures
- a. American Red Cross, YMCA, or Boy Scouts of America tests shall be used to determine each child's swimming ability. Children shall be confined to an area equal to the limits of their swimming skills or an area requiring lesser skills for which they have been classified.
 - b. A method of supervising and checking bathers shall be established and enforced. The system used shall be supervised during swimming periods by a member of the aquatics staff and checks shall be conducted not less than every 10 40 minutes. A written "lost swimmer" plan shall be established and all staff shall know exactly what their duties are in case of an emergency.
 - c. Children shall swim only in areas designated by the water activities supervisor as safe.
 - d. Swimming is prohibited during the hours of darkness except in lighted pools.
3. Swimming areas
- a. A swimming area shall be maintained in a clean and safe condition, free from holes, sharp edges and hid-

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den dangers. The agency shall post notice of any known hazard in the vicinity and shall properly safeguard children.

- b. The swimming area shall have a delineation of areas for non-swimmers, intermediates, and swimmers in accordance with the standards of the American Red Cross, YMCA, Boy Scouts of America.
 - c. Lifesaving equipment shall be provided at a swimming area and placed so it is immediately available in case of an emergency. The equipment shall be kept in good working order and include a bell or whistle, 2 assist poles and a ring buoy.
 - d. The water of a natural swimming area shall be free from contamination by garbage, refuse, sewage pollution or foreign material.
4. Watercraft and water-skiing
- a. Any watercraft activities shall be conducted during daylight hours and supervised by the aquatics program instructor. A U.S. Coast Guard-approved life preserver shall be provided for each occupant of a watercraft. A non-swimmer shall wear a vest-type Coast Guard-approved life preserver and not be permitted in a watercraft unless accompanied by a staff member. A child shall wear a vest-type Coast Guard-approved life preserver before entering and while in white water or on a lake when the water is rough or while water-skiing.
 - b. During a watercraft activity period, a lifeguard shall patrol the watercraft area in a lifeboat. A watercraft docking area shall not be in the swimming area.
 - c. The swimming area shall not be used for the launching or stopping of water-skiers.
 - d. The agency which requires or permits children to use watercraft shall have special coverage for such activities included in the agency's liability insurance.

I. L. Communications. The agency shall have a plan for emergency communication and communication equipment available with each mobile program unit, which may include:

1. Telephone in camp units and outposts;
2. Two-way radio or walkie-talkie;
3. Knowledge of phone or radio locations on backpack, horseback, canoe or car trips, such as Ranger stations in remote areas;
4. Simple code by flag, smoke, or mirror or other means if planned in advance.

J. K. Transportation

1. Vehicles

- a. The agency shall provide or arrange transportation necessary for implementing the child's service plan.
- b. Vehicles used in transporting children in care of the agency shall be licensed and inspected in accordance with Arizona state law.
- c. Vehicles used for the transportation of children shall be maintained in a safe condition and be equipped in a fashion appropriate for the season.
- d. The agency shall maintain written evidence that all vehicles owned, leased, borrowed or rented by the agency to transport children are serviced regularly and maintained safely.
- e. Vehicles used for the transportation of children shall be equipped with a first-aid kit and emergency

accessories including tools, a fire extinguisher and flares or reflectors.

- f. The agency shall not allow the number of persons in any vehicle used to transport children to exceed the number of available seats in the vehicle.
- g. The agency shall not transport children in open truck beds or in trailers.
- h. The agency shall ensure that any vehicle used to transport children has the following minimum amounts of liability insurance:
Injury per person: \$300,000
Injury per accident: 1,000,000

2. Drivers

- a. Any person transporting children in care of the agency shall be licensed to operate that class of vehicle according to Arizona state law.
- b. The agency shall provide adequate supervision in any vehicle used by the agency to transport children in care.
- c. The agency shall ascertain the nature of any need or problem of a child which might cause difficulties during transportation, such as seizures, a tendency towards motion sickness or a disability. The agency shall communicate such information to the operator of any vehicle transporting children in care.

3. Transportation of nonambulatory children. The following additional arrangements are required for agencies serving handicapped, nonambulatory children.

- a. A ramp device to permit entry and exit of a child from the vehicle must be provided for all vehicles except automobiles used to transport physically handicapped children. A hydraulic lift may be utilized provided that a ramp is also available in case of emergency.
- b. In all land vehicles except automobiles, wheelchairs shall be securely fastened to the floor.
- c. In all land vehicles except automobiles, the arrangement of the wheelchairs shall provide an adequate aisle space and shall not impede access to the exit door of the vehicle.

4. Emergency transportation

- a. The agency shall have means of transporting children in cases of emergency.
- b. The agency shall have a written plan for transportation of injured persons to emergency medical services.

K. L. Animals

1. Safety. The agency shall be responsible for the care and behavior of pets or any animals allowed or used in the program. Animals shall have had necessary rabies shots.
2. Insurance. The agency which requires or permits children to ride horses or other domesticated animals shall have specific coverage for such activities included in the agency's liability insurance.
3. Sanitation. A temporary, shelter, corral, tie-rail or hitching post shall be located beyond 50 feet of an area where food is prepared, cooked or served. Fly repellents and daily removal of manure shall be used to prevent such a location from becoming an attraction for or breeding place for flies.

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APPENDIX 1

FACTOR	INDICIA OF A BEHAVIORAL HEALTH AGENCY	INDICIA OF A CHILD WELFARE AGENCY
1. Primary purpose	To provide mental health treatment	To provide a safe & healthy living environment
2. Accreditation	JCAHO; COA; CARF	COA; Never JCAHO for this specific facility seeking licensure
3. Nursing Services	Integrated into services	Occasional use
4. On-campus educational services	Primarily seriously emotionally disturbed (SED); occasional regular education	Primarily regular education & learning disabilities; occasional SED
5. Population served	Described as psychiatrically disordered; seriously emotionally disturbed; psychologically disturbed	Described as behavior disordered, delinquent, dependent, neglected, undersocialized
6. Self-description	Behavioral Health Program Psychiatric Facility Psychosocial orientation	Child Welfare Agency; Social Services Agency; Educational orientation; Re-education
7. Primary source of referrals	Psychologists; psychiatrists; Insurance companies; CHAMPUS; RBHA's	DES; Juvenile courts; Juvenile Corrections; RBHA's as transition or with wrap-around
8. Counseling, psychological, psychiatric services	Routinely provided to all clients	Provided only on an "as-needed" basis
9. Location of behavioral health services	Within the program	Usually in office of contracted practitioner
10. Behavioral health practitioners	Employees or contractors	Usually contracted services; may be contractor from another program or agency
11. Case work services	Social workers, if any, are only part of professional staff	Social workers are primary part of professional staff
12. Staff titles; direct case workers	Behavioral health technicians; psychiatric technicians; psychiatric nurses	House parents; child care workers; teaching parents

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NOTICE OF FINAL RULEMAKING

TITLE 6. ECONOMIC SECURITY

CHAPTER 12. DEPARTMENT OF ECONOMIC SECURITY
AID TO FAMILIES WITH DEPENDENT CHILDREN (AFDC) PROGRAM

PREAMBLE

1. **Sections Affected**
R6-12-1301
- Rulemaking Action**
Amend
2. **The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**
Authorizing statutes: A.R.S. § 41-1954(A)(3), 46-134(12), 46-201 et seq., 46-291 et seq., and Laws 1994, Ch. 301, §§ 2 to 17 and 19.

Implementing statutes: A.R.S. § 41-1954(A)(3), 46-134(12), 46-201 et seq., 46-291 et seq., and Laws 1994, Ch. 301, §§ 2 to 17 and 19.
3. **Effective Date of the Rule:**
May 15, 1997
4. **A list of all previous notices appearing in the Register addressing the final rule:**
Notice of Rulemaking Docket Opening:
2 A.A.R. 1440, April 12, 1996

Notice of Proposed Rulemaking:
2 A.A.R. 3792, August 30, 1996

Notice of Public Hearing on Proposed Rulemaking and Extension of Public Comment Period
2 A.A.R. 4362, October 25, 1996
5. **The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**
Name: Vista Thompson Brown

Address: Department of Economic Security
1789 West Jefferson, Site Code 837A
Phoenix, Arizona 85007

or

P.O. Box 6123, Site Code 837A
Phoenix, Arizona 85005

Telephone: (602) 542-6555
Fax: (602) 542-6000
6. **An explanation of the rule, including the agency's reasons for initiating the rule:**
Laws 1994, Ch. 302, §§ 2-19 (the JOBSTART Bill) requires the Department of Economic Security (DES) to establish a "full employment employment demonstration project" as part of a comprehensive welfare reform program. The DES JOBS Administration operates the JOBSTART demonstration project in Pinal County, in the cities of Eloy, Coolidge, and Casa Grande. JOBSTART allows individuals receiving AFDC and food stamps to work for public or private sector employers for minimum wage or above. The Department uses the recipients' AFDC and food stamp benefits to partially reimburse employers for wages paid to the employed recipients. The project is designed to determine the effects of diverting the AFDC and food stamps benefits of project participants to employers who pay wages to project participants, and to evaluate whether such a program will lead to self-sufficiency and elimination of welfare dependency. This proposed amendment to the Family Assistance Administration (FAA) program rules describes the expanded geographic scope of the demonstration project to include sites in Mesa, Arizona. This amendment will make FAA's description of the project scope consistent with the JOBS Administration's operational rules.
7. **A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**
Not applicable.
8. **The summary of the economic, small business and consumer impact:**
In addition to the 3 original communities within Pinal County, the Mesa area has been targeted for project expansion based on the size of its population. This expansion will provide a sufficient number of participants for project evaluation. The proposed amendment to the FAA rules will have no economic impact because it is merely a conforming change. Any measurable economic impact is attributable to the statutory requirement to operate the program and to the earlier JOBS Administration rule which expanded the

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scope of the project.

9. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):
In the proposed rulemaking package, the Department accidentally eliminated the city of Eloy. The JOBS Administration will continue to operate the project in the city of Eloy. In the final rule, adopted by the Department, Eloy is included in the project scope.
10. A summary of the principal comments and the agency response to them:
Initially, the Department did not schedule a public hearing on the proposed rulemaking. During the comment period following publication of the proposed rule, the Department received a request for a public hearing on the proposed rulemaking. Following appropriate notice and publication, the Department held a public hearing on proposed rulemaking and extended the public comment period. Persons appeared to observe the hearings, but made no comment. The Department received no other comment of the rule.
11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:
Not applicable.
12. Incorporations by reference and their location in the rules:
None.
13. Was this rule previously adopted as an emergency rule?
No.
14. The full text of the rules follows:

TITLE 6. ECONOMIC SECURITY

CHAPTER 12. DEPARTMENT OF ECONOMIC SECURITY
AID TO FAMILIES WITH DEPENDENT CHILDREN (AFDC) PROGRAM

ARTICLE 13. JOBSTART

R6-12-1301. Scope

ARTICLE 13. JOBSTART

R6-12-1301. Scope

The Department shall operate the JOBSTART demonstration project in geographic areas served by the Eloy, Casa Grande, and Coolidge FAA local and Mesa JOBS offices under authority granted pursuant to Laws 1994, Ch. 301, §§ 2 to 17 and 19.

NOTICE OF FINAL RULEMAKING

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 13. DEPARTMENT OF ENVIRONMENTAL QUALITY
SOLID WASTE MANAGEMENT

PREAMBLE

1. Sections Affected

R18-13-701	<u>Rulemaking Action</u>
R18-13-702	Amend
	Amend
2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):
Authorizing statutes: A.R.S. §§ 49-761, 49-857, 49-857.01, and 49-858
Implementing statutes: A.R.S. §§ 49-761, 49-857, 49-857.01, and 49-858
3. The effective date of the rules:
May 15, 1997
4. A list of all previous notices appearing in the Register addressing the final rule:
Notice of Rulemaking Docket Opening:
2 A.A.R. 3559 August 9, 1996
Notice of Proposed Rulemaking:
2 A.A.R. 4073, September 27, 1996

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5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:
Primary Contact:

Name: Lynn A. Keeling
Address: Department of Environmental Quality
3033 North Central Avenue, 8th fl.
Phoenix, Arizona 85012-2809
Telephone: (602) 207-2223 or (800) 234-5677 ext. 2223 (Arizona only)
TTD: (602) 207-4829 or (800) 234-5677 ext. 4829 (Arizona only)
Fax: (602) 207-2251

Secondary Contact:

Name: Martha L. Seaman
Address: Department of Environmental Quality
3033 North Central Avenue, 8th fl.
Phoenix, Arizona 85012-2809
Telephone: (602) 207-2222 or (800) 234-5677 ext. 2222 (Arizona only)
Fax: (602) 207-2251
TTD: (602) 207-4829 or (800) 234-5677 ext. 4829 (Arizona only)

6. An explanation of the rule, including the agency's reasons for initiating the rule:

In 1983, the Arizona Legislature required the Department of Environmental Quality (the Department) to conduct plan review and approve or disapprove plans for solid waste facilities operating within the state. In 1990, the Arizona Legislature included a special waste management component as a part of the plan review for a solid waste facility that treated, disposed, or stored special waste. Although the Department has conducted review of solid waste facility plans for several years, until recently it has been unable to recover any of the costs associated with the solid waste facility plan review or the special waste management plan component because it had not promulgated rules to implement its fee authority.

In 1995, the Department adopted the solid waste plan review fee rules which became effective on July 1, 1996. The solid waste fee rule did not include the fee for a special waste management plan component. This final rule amends the solid waste plan review fee rules to include the special waste management plan component fees.

A.R.S. § 49-857 states that:

The director shall collect from the applicant a reasonable fee based on the state's total costs in processing the plan. The director may amend an existing rule or adopt a new rule to establish criteria for those costs.

In preparation for establishing the fees to be charged, the Department contracted with the independent accounting firm of Arthur Andersen & Co.(AA&C), to conduct a fee study for the Department to establish the hourly rate and fee schedule. In determining the hourly rate, AA&C reviewed the number of hours spent by program staff in reviewing various types of solid waste facility plans as well as special waste management plan components and the costs the Department incurred in conducting those plan reviews. The fee study was completed in November 1994, and is the basis for the rates and fees established in the effective solid waste plan review fee rules and the draft special waste management plan component fee rules.

The Department is amending R18-13-701 and R18-13-702 to include fees for the review of the special waste management plan component of a solid waste facility plan. The existing rules set forth fee schedules and the hourly billing rate for review by the Department of solid waste facility plans. These rules contain the fees for review of a special waste management plan component. If, for example the Department received a plan for a petroleum contaminated soil treatment facility, then this rule package would allow the Department to recover the costs for review of the special waste management plan component of the facility, in addition to the basic solid waste plan review required for that facility. Until this rule becomes final, the Department may only recover costs for review of the solid waste facility plan and not the special waste management plan component.

The existing rules for solid waste facility plan review fees clarify for the public what Department costs are included in the hourly rate, and what labor hours spent in the review of a plan will be charged to the applicant. The existing rules already explain the Department's billing procedure, payment by the applicant, and the consequences of failure to pay the bill.

Authority for the special waste fee rulemaking is found at A.R.S. § 49-857, which requires an application for a special waste facility to include a complete solid waste facility plan with a special waste management plan component.

The hourly rate includes the time spent by technical staff on review of the plan. It includes time at the facility inspecting the site, time at public hearings, time at meetings with the public, and pre-application conferences. The hourly rate does not include training necessary for review of the plan, travel time to and from the facility, or supervisory time spent in a technical review capacity.

This rule contains the fee for a special waste management plan component which is part of a complex plan. A "complex plan" means:

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- a. A solid waste facility plan that contains 2 or more different types of waste storage, treatment, or disposal components;
- b. A solid waste plan for multiple solid waste facilities; or
- c. A solid waste facility plan that includes a special waste management plan component or an application for an Aquifer Protection Permit.

The applicant is required to submit the cost of the highest initial fee for a complex plan review to begin. The highest initial fee may be from the solid waste facility plan review fee or the special waste management plan component. The Department may bill the applicant on an interim basis for applicable charges. In the case of a special waste management plan component, the applicant is required to submit the highest initial fee of either the solid waste facility or the special waste management plan component. When the plan review is completed, the Department will bill the applicant for the outstanding fees, or refund the applicant any fees paid over the hours billed by the Department.

7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

Not applicable.

8. The summary of the economic, small business, and consumer impact:

The Department contracted with AA&C to conduct a fee study which was completed in November 1994. The fee study establishes the basis for the fees set forth in the rules and is available for review at the Department.

AA&C reviewed all the resources used by the Department to review and approve a solid waste plan, including a complex plan which is applicable to the special waste management plan component. AA&C calculated an hourly fee from the Department's cost for that employee's time. This time includes the technical staff's time at the facility or proposed site inspecting, time at a public hearing or a meeting with the public, or time with the applicant's representative reviewing the plan.

The hourly fee does not include time spent by technical staff training, traveling, or clerical or supervisory staff, unless the supervisory staff is filling in for a particular technical staff member in that person's absence.

The Department will bill the applicant for laboratory analysis charges, public notice advertising, presiding officer expenses, court reporter expenses, facility rentals, contract services, and other reasonable plan review-related expenses.

The \$38.30 per hour fee for the review of a special waste management plan component is equal to the hourly fee for review of the solid waste facility plan. Therefore, when the Department reviews a complex plan, all technical review will be \$38.30 per hour.

AA&C calculated an initial and maximum fee for each type of plan review. The initial fee is similar to a deposit toward the actual number of hours and reimbursable expenses incurred by the Department. To allow a solid waste facility to budget for the plan review, a cap was created, which is the maximum fee.

A.R.S. § 41-1035 Analysis: Can ADEQ reduce the impact by using 1 or more of the following methods, if it finds that the methods are legal and feasible in meeting the statutory objectives which are the basis of this rule.

Compliance, reporting, scheduling, and deadline requirements. Methods 1, 2, and 3 in A.R.S. § 41-1035 require ADEQ to identify compliance, reporting, scheduling, and deadline requirements contained in a rule and when legal and feasible, to reduce, consolidate, or simplify them for applicants who fall within the class of small businesses. This rule does not set schedules or deadlines for meeting compliance or reporting requirements. Compliance and reporting requirements will be found in the design and operation standards for a special waste facility.

Performance versus design or operational standards. Method 4 in A.R.S. § 41-1035 requires ADEQ to identify design or operational standards contained in a rule and, when legal and feasible, to replace them with performance standards for applicants who fall within the class of small businesses. Design or operational standards are standards that specify how each step in a process shall be done and may or may not also specify the desired end result. This rule does not establish any operational standards that could be replaced with a performance standard.

Rule exemption for small businesses. Method 5 in A.R.S. § 41-1035 requires the Department to exempt small businesses from all requirements of the rule if legal and feasible. ADEQ did not believe it was equitable to exempt small business from this fee rule, therefore the cap on the fee was created to ensure that small business could plan for this expense. Additionally, the statutory requirement to charge reasonable costs for plan review did not expressly indicate that ADEQ has discretion to exempt small business from this fee.

9. A description of the changes between the proposed rules, including supplemental notices, and final rules:

ISSUE: ADEQ on its own discovered a grammatical error in R18-13-702(G). A comma was inserted as noted below after the word "representatives".

- G. Billable labor hours spent working on the review of a solid waste facility plans plan shall consist of time spent by solid waste plan review technical staff on task specifically related to the processing, approval, or denial of a particular solid waste facility plan, including time at the facility or proposed site inspecting the facility or site, time at a public hearing, time at meetings with the public, or time at meetings with the applicant or the applicant's representatives, including the time at a preapplication conference.

ISSUE: The Department in conjunction with the Governor's Regulatory Review Staff determined that the new effective date of the rule warranted further clarification in the rule.

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ANALYSIS: The proposed rule distinguished the previous effective date of July 1, 1996 for the solid waste facility plan approval fee and the effective date for the plan for a special waste management component in 1 subsection of R18-13-702. To ensure clarity of the different effective dates, a new subsection was created to distinguish the 2 different reviews.

CONCLUSION: R18-13-702(J) and (K) were amended as follows with the addition of R18-13-702(L) and (M).

BEFORE

- J. ~~From the effective date of these rules~~ Beginning July 1, 1996, the hourly rate shall be \$38.30. If the fee schedule or hourly rate is not changed, the current fee schedule and hourly rate shall remain in effect for the following fiscal year. The hourly rate shall be based on an annual sum of the following solid waste facility plan review program related costs divided by the total number of direct labor hours allocated for solid waste facility plan review for that year:
1. Salary and the costs of employee benefits for plan review technical employees directly involved in the review of solid waste facility plans.
 2. Salary and costs of employee benefits for plan review support employees, such as supervisory and clerical personnel, prorated on a per employee bases.
 3. Other operating expenses attributable to all solid waste facility plan review employees.
 4. Per diem expenses and travel expenses.
 5. Capital equipment.
- K. ~~This Article shall become effective July 1, 1996.~~ An applicant who has submitted an administratively complete plan before the effective date of this Article July 1, 1996, shall not be required to remit an initial fee and shall be billed only for those direct labor hours and other direct costs incurred by the Department on or after the effective date of the rules July 1, 1996. If a plan is not administratively incomplete complete on the effective date of this Article July 1, 1996, an initial fee for that type of plan shall be paid at the time of resubmission.

AFTER

- J. ~~From the effective date of these rules~~ Except as provided in subsection (M) of this Section, the hourly rate shall be \$38.30, beginning July 1, 1996. If the fee schedule or hourly rate is not changed, the current fee schedule and hourly rate shall remain in effect for the following fiscal year. The hourly rate shall be based on an annual sum of the following solid waste facility plan review program related costs divided by the total number of direct labor hours allocated for solid waste facility plan review for that year:
1. Salary and the costs of employee benefits for plan review technical employees directly involved in the review of solid waste facility plans.
 2. Salary and costs of employee benefits for plan review support employees, such as supervisory and clerical personnel, prorated on a per employee bases.
 3. Other operating expenses attributable to all solid waste facility plan review employees.
 4. Per diem expenses and travel expenses.
 5. Capital equipment.
- K. ~~This Article shall become effective July 1, 1996.~~ An Except as provided in subsection (M) of this Section, an applicant who has submitted an administratively complete plan for a solid waste facility plan approval before the effective date of this Article July 1, 1996, shall not be required to remit an initial fee and shall be billed only for those direct labor hours and other direct costs incurred by the Department on or after the effective date of the rules July 1, 1996. If a solid waste facility plan is not administratively incomplete complete on the effective date of this Article July 1, 1996, an initial fee for that type of plan shall be paid at the time of resubmission.
- L. ~~An applicant who has submitted an administratively complete plan for a special waste management component before July 1, 1997 shall not be required to remit an initial fee and shall be billed only for direct hours and other direct costs incurred by the Department on or after July 1, 1997. If a special waste management component plan is not administratively complete before July 1, 1997, an initial fee for that type of plan shall be paid at the time of resubmission.~~
- M. ~~The fees listed in Schedules A, B, and C for the special waste management plan component of a solid waste facility plan are effective July 1, 1997.~~

10. A summary of the principal comments and the agency response to them:

There were no comments made at the oral proceeding or received by mail during the comment period.

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

Not applicable.

12. Incorporations by reference and their location in the text:

Not applicable.

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13. Whether the rule was previously adopted as an emergency rule and, if so, whether the text was changed between adoption as an emergency and the adoption of these final rules:

Not applicable.

14. The full text of the rules follows:

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 13. DEPARTMENT OF ENVIRONMENTAL QUALITY
SOLID WASTE MANAGEMENT

ARTICLE 7. SOLID WASTE FACILITY PLAN REVIEW
FEES

R18-13-701. Definitions

R18-13-702. Solid Waste Facility Plan Review Fees

ARTICLE 7. SOLID WASTE FACILITY PLAN REVIEW
FEES

R18-13-701. Definitions

In addition to the definitions in A.R.S. §§ 49-701 and 18 A.A.C. 13, the terms used in this Article shall have the following meanings:

1. "Aquifer Protection Permit" means the permit that is required pursuant to A.R.S. § 49-241.
2. "C & D landfill" means a Non-MSWLF that accepts construction or demolition waste as defined in A.R.S. § 49-701.
3. "Complex plan" means any of the following:
 - a. A solid waste facility plan that contains 2 or more different types of waste storage, treatment, or disposal components.
 - b. A solid waste plan for multiple solid waste facilities.
 - c. A solid waste facility plan that includes a special waste management plan component or an application for an Aquifer Protection Permit.
4. "Direct cost" means ~~those costs that can be identified specifically with the solid waste facility plan review program. For example typical direct costs are the employee's costs of employee salary and fringe benefits package, equipment, travel expenses, and operating supplies and other costs that can be identified specifically with solid waste facility plan review.~~
5. "Fiscal year" means the twelve month period which begins on July 1 and is dated for the next calendar year and ends on the following June 30.
6. "MSWLF" means a municipal solid waste landfill as defined in A.R.S. § 49-701.
7. "New solid waste facility plan" means either of the following:

- a. A plan submitted for review by the operator of a new solid waste facility, as defined in A.R.S. § 49-701.
- b. The plan submitted by an operator of an existing solid waste facility as defined in A.R.S. § 49-701, that is operating without prior Department plan approval.

8. "Non-MSWLF" means a landfill that is not a municipal solid waste landfill as defined in A.R.S. § 49-701(14).
9. "Solid waste facility plan" means a plan or the individual components of a plan, such as the design, operational, closure, or post-closure plan, or the demonstration of financial responsibility as required by A.R.S. § 49-770, submitted to the Department for review and plan approval.
10. "Substantial change" means a change to an approved solid waste facility plan which the director has determined requires the submission of an amended facility plan in accordance with design and operation rules adopted pursuant to A.R.S. Title 49, Chapter 4, Article 4.
11. "Special waste management plan component" means a portion of a solid waste facility plan that is prepared and submitted to the Department in accordance with A.R.S. § 49-857 for approval pursuant to A.R.S. §§ 49-857.01 and 49-762.

R18-13-702. Solid Waste Facility Plan Review Fees

- A. With each solid waste facility plan submitted for approval pursuant to A.R.S. § 49-762, the applicant shall remit an initial fee in accordance with 1 of the schedules in this subsection, unless otherwise provided in subsection (B) of this Section. This Section also lists the maximum fees for which the owner or applicant shall be billed for a plan submitted to the Department for approval. All fees paid shall be payable to the State of Arizona. Fees paid to the Department shall be deposited into the Solid Waste Fee Fund established pursuant to A.R.S. § 49-881, unless otherwise authorized or required by law.

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Schedule A		
New - Solid Waste Facility Plan Reviews Fees		
	Initial	Maximum
Solid Waste Facilities Plans:		
MSWLF	\$5,936	\$37,074
C & D Landfill and		
Other Non-MSWLF	\$2,987	\$22,826
Other Solid Waste Facilities	\$1,609	\$15,473
Special Waste Management Plan		
Component	\$556	\$2,383

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Schedule B		
Substantial Change or Update of Demonstration of Financial Responsibility in accordance with A.R.S. § 49-770 - Solid Waste Facility Plan Reviews Fees		
	Initial	Maximum
Solid Waste Facilities Plans:		
MSWLF	\$1,187	\$18,537
C & D Landfill and Other Non-MSWLF	\$597	\$11,413
Other Solid Waste Facilities	\$322	\$7,736
Special Waste Management Plan Component	\$278	\$1,191

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Schedule C		
Closure - Solid Waste Facility Plan Reviews Fees		
	Initial	Maximum
Solid Waste Facilities Plans:		
MSWLF	\$1,379	\$9,728
C & D Landfill and Other Non-MSWLF	\$1,532	\$10,417
Other Solid Waste Facilities	\$1,226	\$11,949
Special Waste Management Plan Component	\$111	\$477

- B. For a complex plan, fees shall be determined as follows:
The initial fee submitted with the plan shall be equal to the initial fee for the single component with the highest initial fee as set forth in schedules in subsection (A). The maximum fee shall be the sum total of the maximum fee for each individual component as set forth schedules in subsection (A).
- C. For each plan being reviewed, the Department shall issue an itemized interim bill to the applicant with each letter of deficiency or letter of intent to approve the facility plan. The applicant shall pay the interim bill within 45 days of receipt of the bill. If the interim bill is not paid within 45 days, the Department shall mail a notice of the past due balance to the applicant. If the applicant does not pay the interim bill within 30 days of receipt of the notice of past due balance, the Department shall either cease review of the plan or withhold final approval of the plan pending payment of the interim bill.
- D. The Department shall issue a final itemized bill at the same time the Department issues the approval to operate or informs the applicant in writing of denial of approval. If the actual cost of reviewing the plan is less than the initial fee and any interim fees paid, the difference between the actual cost and the amount listed and paid shall be returned to the applicant with a final itemized bill within 30 days of the issuance of the approval to operate, or denial of the approval. If the actual cost of plan review is greater than the corresponding amount listed, the Department shall send the applicant a final itemized bill for the difference between the initial fee and any interim fees paid and the actual cost of reviewing the plan, except that the final bill shall not exceed the applicable maximum fee specified in subsection (A) or (B). Such difference shall be paid in full within 45 days of receipt of the bill.
- E. The Department shall keep a record of all fees due, including the costs associated with denial of approval. Any amount due the Department shall be paid to the Department within 45 days of issuance of the approval. If the final bill is not paid within the 45 days, the Department shall mail a notice of past due balance to the applicant. Failure to pay the amount due within 15 days of receipt of the notice of past due balance shall result in the automatic initiation of proceedings by the Department for suspension of the approval, in accordance with A.R.S. § 41-782, and the suspension shall continue until full payment is received at the Department. If full payment is not received at the Department within 365 days of the date of the approval, the approval shall be revoked in accordance with A.R.S. § 41-782. The Department shall review no further plans for an entity which has not paid all fees due for a previous approval or denial of approval.
- F. When determining actual cost under subsection (D), the Department shall use an hourly billing rate for all direct labor hours spent working on the review of the a plan, plus any direct cost specified in subsection (I), which were incurred but are not included in the hourly billing rate.

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- G. Billable labor hours spent working on the review of a solid waste facility ~~plans plan~~ shall consist of time spent by solid waste plan review technical staff on tasks specifically related to the processing, approval, or denial of a particular solid waste facility plan, including time at the facility or proposed site inspecting the facility or site, time at a public hearing, time at meetings with the public, or time at meetings with the applicant or the applicant's representatives, including the time at a preapplication conference.
- H. Direct labor hours shall not include any of the following:
1. Training necessary for review of a specific plan.
 2. Travel to or from any facility, meetings, or hearings which is necessary in conjunction with a plan review.
 3. Time by clerical or supervisory staff, unless the supervisory staff is filling in for a particular technical staff member in that person's absence.
- I. Other allowable direct costs that the Department shall include in the plan review fee, if applicable, are any of the following:
1. Laboratory analysis charges.
 2. Public notice advertising.
 3. Presiding officer expenses.
 4. Court reporter expenses.
 5. Facility rentals.
 6. Contract services.
 7. Other reasonable, direct, plan review-related expenses documented in writing by the Department.
- J. ~~From the effective date of these rules~~ Except as provided in subsection (M), the hourly rate shall be \$38.30, beginning July 1, 1996. If the fee schedule or hourly rate is not changed, the current fee schedule and hourly rate shall remain in effect for the following fiscal year. The hourly rate shall be based on an annual sum of the following solid waste facility plan review program related costs divided by the total number of direct labor hours allocated for solid waste facility plan review for that year:
1. Salary and the costs of employee benefits for plan review technical employees directly involved in the review of solid waste facility plans.
 2. Salary and costs of employee benefits for plan review support employees, such as supervisory and clerical personnel, prorated on a per employee bases.
 3. Other operating expenses attributable to all solid waste facility plan review employees.
 4. Per diem expenses and travel expenses.
 5. Capital equipment.
- K. ~~This Article shall become effective July 1, 1996. An Except as provided in subsection (M), an applicant who has submitted an administratively complete plan for a solid waste facility plan approval before the effective date of this Article July 1, 1996, shall not be required to remit an initial fee and shall be billed only for those direct labor hours and other direct costs incurred by the Department on or after the effective date of the rules July 1, 1996. If a solid waste facility plan is not administratively incomplete complete on the effective date of this Article July 1, 1996, an initial fee for that type of plan shall be paid at the time of resubmission.~~
- L. ~~An applicant who has submitted an administratively complete plan for a special waste management component before July 1, 1997 shall not be required to remit an initial fee and shall be billed only for direct hours and other direct costs incurred by the Department on or after July 1, 1997. If a special waste management component plan is not administratively complete before July 1, 1997, an initial fee for that type of plan shall be paid at the time of resubmission.~~
- M. ~~The fees listed in Schedules A, B, and C for the special waste management plan component of a solid waste facility plan are effective July 1, 1997.~~

NOTICE OF FINAL RULEMAKING

TITLE 19. ALCOHOL, HORSE AND DOG RACING, AND GAMING

CHAPTER 3. ARIZONA STATE LOTTERY COMMISSION

PREAMBLE

1. Sections Affected	Rulemaking Action
R19-3-360	Repeal
R19-3-362	Repeal
R19-3-363	Repeal
R19-3-364	Repeal
R19-3-365	Repeal
R19-3-366	Repeal
R19-3-367	Repeal
R19-3-368	Repeal
R19-3-370	Repeal
R19-3-371	Repeal
R19-3-372	Repeal
R19-3-373	Repeal
R19-3-374	Repeal
R19-3-375	Repeal
R19-3-376	Repeal
R19-3-377	Repeal
R19-3-378	Repeal
R19-3-379	Repeal
R19-3-380	Repeal
R19-3-381	Repeal

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R19-3-382	Repeal
R19-3-383	Repeal
R19-3-384	Repeal
R19-3-385	Repeal
R19-3-386	Repeal

2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):
Authorizing statute: A.R.S. § 5-504(B)
Implementing statute: A.R.S. § 5-504(B)
3. Effective Date of the Rule:
May 13, 1997
4. A list of all previous notices appearing in the Register addressing the final rule:
Notice of Rulemaking Docket Opening:
2 A.A.R. 4825, November 29, 1996
Notice of Proposed Rulemaking:
3 A.A.R. 17, January 3, 1997
5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:
Name: Mr. Jody Spicola
Executive Director
Address: Arizona State Lottery Commission
4740 East University
Phoenix, Arizona 85034
Telephone: (602) 921-4400
6. An explanation of the rule, including the agency's reasons for initiating the rule:
These rules describe the location of play symbols, the ticket number, the validation code, the prize denominations, and the method of selecting a winning ticket to instant games that have expired. The repeal process will keep the Arizona Lottery's rules current.
7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:
Not applicable.
8. The summary of the economic, small business and consumer impact:
These instant games have expired and have been replaced with new instant games.
9. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):
None.
10. A summary of the principal comments and the agency response to them:
No comments were received by the agency.
11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:
Not applicable.
12. Incorporations by reference and their location in the rules:
None.
13. Was this rule previously adopted as an emergency rule?
No.
14. The full text of the rules follows:

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TITLE 19. HORSE AND DOG RACING, LOTTERY, AND GAMING

CHAPTER 3. ARIZONA STATE LOTTERY COMMISSION

ARTICLE 3. INSTANT LOTTERY GAMES

Section

- R19-3-360. "Arizona Lottery Lucky Numbers"
R19-3-362. "High Card"
R19-3-363. "Money Tree"
R19-3-364. "9's in a Line"
R19-3-365. "Beat the Dealer"
R19-3-366. "Barrels of Bucks"
R19-3-367. "Lucky Roll"
R19-3-368. "Tic Tac Cash"
R19-3-370. "Lucky 13"
R19-3-371. "Blackjack's Back"
R19-3-372. "Double Dough"
R19-3-373. "8's are Great"
R19-3-374. "High 5"
R19-3-375. "21"
R19-3-376. "Cash Surprise"
R19-3-377. "7-11-21"
R19-3-378. "Double Dollars"
R19-3-379. "Holiday Cash"
R19-3-380. "High Card"
R19-3-381. "Tic Tac Dough"
R19-3-382. "Roulette"
R19-3-383. "Baseball Bucks"
R19-3-384. "King of Cash"
R19-3-385. "Wild Card"
R19-3-386. "Lucky 7's"

ARTICLE 3. INSTANT LOTTERY GAMES

R19-3-360. "Arizona Lottery Lucky Numbers"

- A. Under the latex in the play area located on the right side of the ticket, six play symbols appear in a vertical row with "YOUR NUMBERS" printed above and are one of the following: "1", "2", "3", "4", "5", "6", "7", "8", "9", or "10" with confirming captions. Six prize symbols appear in a vertical row with PRIZE \$ printed above and are one of the following: "FREE", "\$2.00", "\$5.00", "\$50.00", or "\$5,000" with confirming captions. One winning number symbol appears on the upper right front of the ticket with "WINNING NUMBER" printed above and is one of the following: "1", "2", "3", "4", "5", "6", "7", "8", "9", or "10" with confirming captions.

- B. A pack ticket number beginning with 900001 is located in the lower center portion on the back of the ticket.

- C. Play symbol captions correspond with and verify each of the play symbols as follows:

Play Symbol	Caption
1	ONE
2	TWO
3	THR
4	FOR
5	FIV
6	SIX
7	SVN
8	EGT
9	NIN
10	TEN

- D. Winning number symbol captions correspond with and verify each of the winning number symbols as follows:

Winning # Symbol	Caption
1	ONE
2	TWO

3	THR
4	FOR
5	FIV
6	SIX
7	SVN
8	EGT
9	NIN
10	TEN

- E. Prize symbol captions correspond with and verify each of the prize symbols as follows:

Prize Symbol	Caption
FREE	TICKET
\$2.00	TWO DOL
\$5.00	FIVE DOL
\$50.00	FTY DOL
\$5,000	FIVE THOU

- F. The retailer validation code verifies instant winners of a TICKET, \$4.00, \$5.00, \$8.00, \$12.00, \$15.00, or \$30.00. The retailer validation code which corresponds with and verifies each of these winners is as follows:

TIC	=	FREE TICKET
FOR	=	\$4
FIV	=	\$5
EGT	=	\$8
TLV	=	\$12
FTN	=	\$15
TRY	=	\$30

- G. "ARIZONA LOTTERY LUCKY NUMBERS" game tickets shall sell for no more than \$2.00.

- H. A prize winner in the "ARIZONA LOTTERY LUCKY NUMBERS" instant game is determined by removing the latex from the play area on the front of the ticket to determine the six play symbols, the six prize symbols, and the winning number symbol. Neither the retailer validation code (or any portion thereof), the pack ticket number (or any portion thereof), nor the validation number (or any portion thereof) are play symbols and are not usable or playable as such. If the ticket owner's "YOUR NUMBER" symbol matches the "WINNING NUMBER" symbol, he or she wins the prize directly to the right of the play symbol. The prizes are as follows:

FREE	=	FREE TICKET or
\$2.00 x 2	=	\$4 (four dollars) or
\$5.00	=	\$5 (five dollars) or
\$2.00 x 4	=	\$8 (eight dollars) or
\$2.00 x 6	=	\$12 (twelve dollars) or
\$5.00 x 3	=	\$15 (fifteen dollars) or
\$5.00 x 6	=	\$30 (thirty dollars) or
\$50.00	=	\$50 (fifty dollars) or
\$50.00 x 2	=	\$100 (one hundred dollars) or
\$50.00 x 4	=	\$200 (two hundred dollars) or
\$50.00 x 6	=	\$300 (three hundred dollars) or
\$5,000	=	\$5,000 (five thousand dollars) or
\$5,000 x 6	=	\$30,000 (thirty thousand dollars).

R19-3-362. "High Card"

- A. In the latex play area located on the right side of the ticket, three play symbols appear in a vertical row with YOUR CARD printed above and are one of the following: "A", "K", "Q", "J", "10", "9", "8", "7", "6", "5", "4", or "3", with confirming captions. Three play symbols appear in a vertical row with DEALER'S CARD printed above and are one of the following: "K", "Q", "J", "10", "9", "8", "7", "6", "5", "4", "3", or "2"

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with confirming captions. The play symbol captions correspond with and verify the play symbols as follows:

Play Symbol	Caption
A	ACE
K	KING
Q	QUEEN
J	JACK
10	TEN
9	NINE
8	EIGHT
7	SEVEN
6	SIX
5	FIVE
4	FOUR
3	THREE
2	TWO

- B. Three prize symbols appear in a vertical row with PRIZE printed above and are one of the following: "FREE", "\$1.00", "\$2.00", "\$5.00", "\$50.00", or "\$1,000" with confirming captions.
- C. A pack ticket number is located in the lower middle portion of the back of the ticket and begins with 100001.
- D. The retailer validation code verifies instant winners of a TICKET, \$2, \$3, \$5, \$10, or \$15. The retailer validation code which corresponds with and verifies each of these winners is as follows:

TIC	=	TICKET
TWO	=	\$2
THR	=	\$3
FIV	=	\$5
TEN	=	\$10
FTN	=	\$15

- E. A prize winner in the "HIGH CARD" instant game is determined by removing the latex from the play area on the front of the ticket to determine the two play symbols and prize symbol identified as GAME 1, the two play symbols and prize symbol identified as GAME 2, and the two play symbols and prize symbol identified as GAME 3. Neither the retailer validation code (or any portion thereof) nor the validation number (or any portion thereof) are play symbols and are not usable or playable as such. If the ticket holder's YOUR CARD beats DEALER'S CARD in either GAME 1, GAME 2, or GAME 3, he or she wins the prize shown for that game. There may be three winning hands on a ticket. The prizes are as follows:

FREE	=	Ticket or
\$1.00 + \$1.00	=	\$2 (two dollars) or
\$2.00	=	\$2 (two dollars) or
\$1.00 + \$2.00	=	\$3 (three dollars) or
\$5.00	=	\$5 (five dollars) or
\$1.00 + \$2.00 + \$2.00	=	\$5 (five dollars) or
\$5.00 + \$5.00	=	\$10 (ten dollars) or
\$5.00 + \$5.00 + \$5.00	=	\$15 (fifteen dollars) or
\$50.00	=	\$50 (fifty dollars) or
\$50.00 + \$50.00	=	\$100 (one hundred dollars) or
\$50.00 + \$50.00 + \$50.00	=	\$150 (one hundred fifty dollars) or
\$1,000	=	\$1,000 (one thousand dollars) or
\$1,000 + \$1,000	=	\$2,000 (two thousand dollars) or
\$1,000 + \$1,000 + \$1,000	=	\$3,000 (three thousand dollars).

R19-3-363. "Money Tree"

- A. Nine play symbols, which are contiguous to each other in three rows, appear under the latex in the play area located on the

right side of the ticker and one of the following: "FREE", "\$2.00", "\$4.00", "\$10.00", "\$20.00", "\$50.00", "\$100", or "\$500" with confirming captions.

- B. A pack ticket number beginning with 200001 is located in the lower center portion on the back of the ticket.
- C. Play symbol captions correspond with and verify each of the play symbols as follows:

Play Symbol	Caption
FREE	TICKET
\$2.00	TWO DOL
\$4.00	FOR DOL
\$10.00	TEN DOL
\$20.00	TWY DOL
\$50.00	FTY DOL
\$100	ONE HUN
\$500	FIV HUN

- D. The retailer validation code verifies instant winners of a "TICKET", \$2, \$4, \$10, or \$20. The retailer validation code which corresponds with and verifies each of these winners is as follows:

TIC	=	TICKET
TWO	=	\$2
FOR	=	\$4
TEN	=	\$10
TWY	=	\$20

- E. A prize winner in the "MONEY TREE" instant game is determined by removing the latex from the play area on the front of the ticket to determine the nine play symbols. Neither the retailer validation code (or any portion thereof), the pack ticket number (or any portion thereof), nor the validation number (or any portion thereof) are play symbols and are not usable or playable as such. If the ticket owner matches any three like play symbols, he or she wins that prize. The prizes are as follows:

Three FREE's	=	FREE TICKET or
Three \$2.00	=	\$2 (two dollars) or
Three \$4.00	=	\$4 (four dollars) or
Three \$10.00	=	\$10 (ten dollars) or
Three \$20.00	=	\$20 (twenty dollars) or
Three \$50.00	=	\$50 (fifty dollars) or
Three \$100	=	\$100 (one hundred dollars) or
Three \$500	=	\$500 (five hundred dollars).

R19-3-364. "9's in a Line"

- A. Nine play symbols, which are contiguous to each other in three rows, appear under the latex in the play area located on the right side on the front of the ticket and are one of the following: "1", "2", "3", "4", "5", "6", "7", "8", or "9" with confirming captions.
- B. A pack ticket number beginning with 300001 is located in the lower center portion on the back of the ticket.
- C. Play symbol captions correspond with and verify each of the play symbols as follows:

Play Symbol	Caption
1	ONE
2	TWO
3	THR
4	FOR
5	FIV
6	SIX
7	SVN
8	EGT
9	NIN

- D. The retailer validation code verifies instant winners of a \$1, \$2, \$9, and \$19. The retailer validation code which corresponds with and verifies each of these winners is as follows:

ONE	=	\$1
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TWO = \$2
NIN = \$9
NIT = \$19

- E. A prize-winner in the "9's IN A LINE" instant game is determined by removing the latex from the play area on the front of the ticket to determine the nine play symbols. Neither the retailer validation code (or any portion thereof), the pack ticket number (or any portion thereof), nor the validation number (or any portion thereof) are play symbols and are not usable or playable as such. If the ticket owner has three "9" play symbols in any one row, column, or diagonal, he or she wins the prize indicated. A player may win only one time on a ticket. The prizes are as follows:

Right Column = \$1 (one dollar) or
Center Column = \$2 (two dollars) or
Left Column = \$9 (nine dollars) or
Top Row = \$19 (nineteen dollars) or
Center Row = \$99 (ninety-nine dollars) or
Bottom Row = \$999 (nine hundred ninety-nine dollars) or
Either diagonal = \$9,999 (nine thousand nine hundred ninety-nine dollars).

R19-3-365. "Beat the Dealer"

- A. In the latex play area located on the right side of the ticket, three play symbols appear in a vertical row with YOUR HAND printed above and are one of the following: "A", "K", "Q", "J", "10", "9", "8", "7", "6", "5", "4", or "3", with confirming captions. Three play symbols appear in a vertical row with DEALER'S HAND printed above and are one of the following: "K", "Q", "J", "10", "9", "8", "7", "6", "5", "4", "3", or "2" with confirming captions. The play symbol captions correspond with and verify each of the play symbols as follows:

Play Symbol	Caption
A	ACE
K	KNG
Q	QUN
J	JCK
10	TEN
9	NIN
8	EGT
7	SVN
6	SIX
5	FIV
4	FOR
3	THR
2	TWO

- B. Three prize symbols appear in a vertical row with PRIZE printed above and are one of the following: "\$1.00", "\$2.00", "\$5.00", "\$10.00", or "\$500" with confirming captions.
C. A pack ticket number is located in the lower middle portion of the back of the ticket and begins with 400001.
D. The retailer validation code verifies instant winners of \$1, \$2, \$3, \$4, \$5, \$10, \$20, or \$25. The retailer validation code which corresponds with and verifies each of these winners is as follows:

ONE = \$1
TWO = \$2
THR = \$3
FOR = \$4
FIV = \$5
TEN = \$10
TWY = \$20
TWF = \$25

- E. A prize-winner in the "BEAT THE DEALER" instant game is determined by removing the latex from the play area on the front of the ticket to determine the two play symbols and prize

symbol identified as GAME 1, the two play symbols and prize symbol identified as GAME 2, and the two play symbols and prize symbol identified as GAME 3. Neither the retailer validation code (or any portion thereof) nor the validation number (or any portion thereof) are play symbols or prize symbols and are not usable or playable as such. If the ticket holder's YOUR HAND beats DEALER'S HAND in either GAME 1, GAME 2, or GAME 3, he or she wins the prize shown for that game. There may be three winning hands on a ticket. The prizes are as follows:

\$1.00	= \$1 (one dollar) or
\$1.00 + \$1.00	= \$2 (two dollars) or
\$1.00 + \$1.00 + \$1.00	= \$3 (three dollars) or
\$2.00 + \$2.00	= \$4 (four dollars) or
\$1.00 + \$2.00 + \$2.00	= \$5 (five dollars) or
\$10.00	= \$10 (ten dollars) or
\$10.00 + \$10.00	= \$20 (twenty dollars) or
\$10.00 + \$10.00 + \$5.00	= \$25 (twenty-five dollars) or
\$500	= \$500 (five hundred dollars) or
\$500 + \$500	= 1,000 (one thousand dollars).
\$500 + \$500 + \$500	= 1,500 (one thousand five hundred dollars).

R19-3-366. "Barrels of Bucks"

- A. Nine play symbols, which are contiguous to each other in three rows, appear under the latex in the play area located on the right side of the ticket and are one of the following: "\$1.00", "\$2.00", "\$5.00", "\$10.00", "\$25.00", "\$100", or "\$1000" with confirming captions.

- B. A pack ticket number beginning with 600001 is located in the lower center portion on the back of the ticket.

- C. Play symbol captions correspond with and verify each of the play symbols as follows:

Play Symbol	Caption
\$1.00	ONE DOL
\$2.00	TWO DOL
\$5.00	FIV DOL
\$10.00	TEN DOL
\$25.00	TWF DOL
\$100	ONE HUN
\$1000	ONE THOU

- D. The retailer validation code verifies instant winners of a "\$1", "\$2", "\$5", "\$10", "\$25", or "\$100". The retailer validation code which corresponds with and verifies each of these winners is as follows:

ONE = \$1
TWO = \$2
FIV = \$5
TEN = \$10
TWF = \$25
ONH = \$100

- E. A prize-winner in the "BARRELS OF BUCKS" instant game is determined by removing the latex from the play area on the front of the ticket to determine the nine play symbols. Neither the retailer validation code (or any portion thereof), the pack ticket number (or any portion thereof), nor the validation number (or any portion thereof) are play symbols and are not usable or playable as such. If the ticket owner matches any three like play symbols, he or she wins that prize. The prizes are as follows:

Three \$1.00	= \$1 (one dollar) or
Three \$2.00	= \$2 (two dollars) or
Three \$5.00	= \$5 (five dollars) or
Three \$10.00	= \$10 (ten dollars) or
Three \$25.00	= \$25 (twenty-five dollars) or
Three \$100	= \$100 (one hundred dollars) or
Three \$1000	= \$1000 (one thousand dollars).

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R19-3-367. "Lucky Roll"

- A. In the latex play area located on the right side of the ticket, one play symbol appears alone on the right with LUCKY ROLL printed above and is one of the following: "2", "3", "4", "5", "6", "7", "8", "9", "10", "11", or "12" with confirming captions. Four play symbols contiguous to one another in one row directly under the LUCKY ROLL play symbol appear with YOUR ROLL printed above and are one of the following: "2", "3", "4", "5", "6", "7", "8", "9", "10", "11", or "12" with confirming captions. The play symbol captions correspond with and verify the play symbols as follows:

Play Symbol	Caption
2	TWO
3	THR
4	FOR
5	FIV
6	SIX
7	SVN
8	EGT
9	NIN
10	TEN
11	ELV
12	TWL

- B. Four prize symbols appear in one row directly under the play symbol captions with PRIZE printed above and are one of the following: "\$1.⁰⁰", "\$2.⁰⁰", "\$5.⁰⁰", "\$25.⁰⁰", or "\$1,000" with confirming captions.
- C. A pack ticket number beginning with 700001 is located in the lower center portion on the back of the ticket.
- D. The retailer validation code verifies instant winners of a \$1, \$2, \$4, \$8, or \$20. The retailer validation code which corresponds with and verifies each of these winners is as follows:

ONE	= \$1
TWO	= \$2
FOR	= \$4
EGT	= \$8
TWY	= \$20

- E. A prize winner in the "LUCKY ROLL" instant game is determined by removing the latex from the play area on the front of the ticket to determine the one LUCKY ROLL play symbol and the four YOUR ROLL play symbols. Neither the retailer validation code (or any portion thereof) nor the validation number (or any portion thereof) are play symbols and are not usable or playable as such. If any of YOUR ROLL play symbols matches the LUCKY ROLL play symbol, the player wins the prize shown in the spot directly below that winning YOUR ROLL play symbol. There may be four winning YOUR ROLL play symbols on a ticket. The prizes are as follows:

\$1. ⁰⁰	= \$1 (one dollar) or
\$1. ⁰⁰ + \$1. ⁰⁰	= \$2 (two dollars) or
\$2. ⁰⁰	= \$2 (two dollars) or
\$1. ⁰⁰ + \$1. ⁰⁰ + \$1. ⁰⁰ + \$1. ⁰⁰	= \$4 (four dollars) or
\$2. ⁰⁰ + \$2. ⁰⁰ + \$2. ⁰⁰ + \$2. ⁰⁰	= \$8 (eight dollars) or
\$5. ⁰⁰ + \$5. ⁰⁰ + \$5. ⁰⁰ + \$5. ⁰⁰	= \$20 (twenty dollars)
or	
\$25. ⁰⁰ + \$25. ⁰⁰ + \$25. ⁰⁰ + \$25. ⁰⁰	= \$100 (one hundred dollars)
or	
\$1000 + \$1000 + \$1000 + \$1000	= \$4,000 (four thousand dollars).

R19-3-368. "Tic Tac Cash"

- A. Nine play symbols, which are contiguous to each other in three rows, appear under the latex in the play area located on the right side on the front of the ticket and are one of the following: "X" or "O" with confirming captions.

- B. A pack ticket number beginning with 800001 is located in the lower center portion on the back of the ticket.
- C. The caption will denote the first digit as the play spot (1-9) position, the second and third digits represent the play symbol, and the fourth digit is the last digit of the ticket number.
- D. The retailer validation code verifies instant winners of a \$1, \$2, \$5, \$10, and \$25. The retailer validation code which corresponds with and verifies each of these winners is as follows:

ONE	= \$1
TWO	= \$2
FIV	= \$5
TEN	= \$10
TWF	= \$25

- E. A prize winner in the "TIC TAC CASH" instant game is determined by removing the latex from the play area on the front of the ticket to determine the nine play symbols. Neither the retailer validation code (or any portion thereof), the pack ticket number (or any portion thereof), nor the validation number (or any portion thereof) are play symbols and are not usable or playable as such. If the ticket owner has three "X" or "O" play symbols in any one row, column, or diagonal, he or she wins the prize indicated. The prizes are as follows:

Right Column	= \$1 (one dollar) or
Center Column	= \$2 (two dollars) or
Left Column	= \$5 (five dollars) or
Top Row	= \$10 (ten dollars) or
Center Row	= \$25 (twenty-five dollars) or
Bottom Row	= \$100 (one hundred dollars) or
Either Diagonal	= \$1000 (one thousand dollars).

R19-3-370. "Lucky 13"

- A. Nine play symbols, which are contiguous to each other in three rows, appear under the latex in the play area located on the right side of the ticket and are one of the following: "\$1.⁰⁰", "\$3.⁰⁰", "\$13.⁰⁰", "\$33.⁰⁰", "\$130.⁰⁰", "\$1300", OR "\$13,000" with confirming captions.

- B. A pack ticket number beginning with 000001 is located in the lower center portion on the back of the ticket.

- C. Play symbol captions correspond with and verify each of the play symbols as follows:

Play Symbol	Caption
\$1. ⁰⁰	ONE DOL
\$3. ⁰⁰	THR DOL
\$13. ⁰⁰	THN DOL
\$33. ⁰⁰	TRR DOL
\$130. ⁰⁰	ONEHUN30
\$1300	THN HUN
\$13000	13 THOU

- D. The retailer validation code verifies instant winners of a \$1, \$3, \$13, or \$33. The retailer validation code which corresponds with and verifies each of these winners is as follows:

ONE	= \$1
THR	= \$3
THN	= \$13
TRR	= \$33
OHT	= \$130

- E. A prize winner in the "LUCKY 13" instant game is determined by removing the latex from the play area on the front of the ticket to determine the nine play symbols. Neither the retailer validation code (or any portion thereof), the pack ticket number (or any portion thereof), nor the validation number (or any portion thereof) are play symbols and are not usable or playable as such. If the ticket owner matches any three like play symbols, he or she wins that prize. The prizes are as follows:

Three \$1. ⁰⁰	= \$1 (one dollar) or
Three \$3. ⁰⁰	= \$3 (three dollars) or
Three \$13. ⁰⁰	= \$13 (thirteen dollars) or

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Three \$33.⁰⁰ = \$33 (thirty-three dollars) or
Three \$130 = \$130 (one hundred thirty dollars) or
Three \$1300 = \$1300 (thirteen hundred dollars) or
Three \$13000 = \$13000 (thirteen thousand dollars)

R19-3-371. "Blackjack's Back"

- A. In the latex play area located on the right side of the ticket, three play symbols appear in a vertical row with YOUR HAND printed above and are one of the following: "12," "13," "14," "15," "16," "17," "18," "19," "20," or "21" with confirming captions. Three play symbols appear in a vertical row with DEALER'S HAND printed above and are one of the following: "12," "13," "14," "15," "16," "17," "18," "19," or "20" with confirming captions.

Play Symbol	Caption
12	TWLV
13	THRT
14	FRTN
15	FFTN
16	SXTN
17	SVNT
18	EGTN
19	NINT
20	TWTY
21	TWON

- B. Three prize symbols appear in a vertical row with PRIZE printed above and are one of the following: \$1.⁰⁰, "\$2.⁰⁰", "\$5.⁰⁰", "\$1,000", or "\$21,000" with confirming captions.
- C. A pack ticket number beginning with 100001 is located in the lower center portion on the back of the ticket.
- D. The retailer validation code verifies instant winners of a \$1, \$2, \$3, \$5, \$10, or \$15. The retailer validation code which corresponds with and verifies each of these winners is as follows:
- | | | |
|-----|---|------|
| ONE | = | \$1 |
| TWO | = | \$2 |
| THR | = | \$3 |
| FIV | = | \$5 |
| TEN | = | \$10 |
| FTN | = | \$15 |

- E. A prize winner in the "BLACKJACK'S BACK" instant game is determined by removing the latex from the play area on the front of the ticket to determine the two play symbols and prize symbol identified as GAME 1, the two play symbols and prize symbol identified as GAME 2, and the two play symbols and prize symbol identified as GAME 3. Neither the retailer validation code (or any portion thereof), nor the validation number (or any portion thereof) are play symbols or prize symbols and are not usable or playable as such. If the ticket holder's YOUR HAND beats DEALER'S HAND in either GAME 1, GAME 2, or GAME 3, he or she wins the prize shown for that game. There may be three winning hands on a ticket. The prizes are as follows:

\$1. ⁰⁰	\$1 (one dollar) or
\$1. ⁰⁰ + \$1. ⁰⁰	\$2 (two dollars) or
\$2. ⁰⁰	\$2 (two dollars) or
\$1. ⁰⁰ + \$2. ⁰⁰	\$3 (three dollars) or
\$1. ⁰⁰ + \$1. ⁰⁰ + \$1. ⁰⁰	\$3 (three dollars) or
\$5. ⁰⁰	\$5 (five dollars) or
\$1. ⁰⁰ + \$2. ⁰⁰ + \$2. ⁰⁰	\$5 (five dollars) or
\$5. ⁰⁰ + \$5. ⁰⁰	\$10 (ten dollars) or
\$5. ⁰⁰ + \$5. ⁰⁰ + \$5. ⁰⁰	\$15 (fifteen dollars) or
\$1,000	\$1,000 (one thousand) or
\$21,000	\$21,000 (twenty-one thousand dollars)

R19-3-372. "Double Dough"

- A. In the latex play area located on the right side of the ticket, three play symbols appear in a vertical row with YOUR NUMBER printed above and are one of the following: "1", "2", "3", "4", "5", "6", "7", "8", or "9" with confirming captions. Three play symbols appear in a vertical row with HOUSE NUMBER printed above and are one of the following: "1", "2", "3", "4", "5", "6", "7", "8", or "9" with confirming captions. The play symbol captions correspond with and verify the play symbols as follows:




Play Symbol	Caption
1	ONE
2	TWO
3	THR
4	FOR
5	FIV
6	SIX
7	SVN
8	EGT
9	NIN

- B. Three prize symbols appear in a vertical row with PRIZE printed above and are one of the following: \$1.⁰⁰, "\$2.⁰⁰", "\$5.⁰⁰", "\$10.⁰⁰", or "\$500" with confirming captions.

Prize Symbol	Caption
\$1. ⁰⁰	ONE DOL
\$2. ⁰⁰	TWO DOL
\$5. ⁰⁰	FIV DOL
\$10. ⁰⁰	TEN DOL
\$500	FIV HUND

- C. Three play symbols appear in a vertical row with BONUS BUCKS printed above and are one of the following: "\$\$",

", ", or " with confirming captions.

Symbol	Caption
\$	DBLE
	BELL
	CHRY
	ORNG

- D. A pack ticket number beginning with 200001 is located in the lower center portion on the back of the ticket.

- E. The retailer validation code verifies instant winners of a \$1, \$2, \$5, \$10, or \$20. The retailer validation code which corresponds with and verifies each of these winners is as follows:

ONE	=	\$1
TWO	=	\$2
FIV	=	\$5
TEN	=	\$10
TWY	=	\$20

- F. A prize winner in the "DOUBLE DOUGH" instant game is determined by removing the latex from the play area on the front of the ticket to determine the two play symbols, prize symbol, and BONUS BUCKS symbol identified as GAME 1, the two play symbols, prize symbol, and BONUS BUCKS symbol identified as GAME 2, and the two play symbols, prize symbol, and BONUS BUCKS symbol identified as GAME 3. Neither the retailer validation code (or any portion thereof), nor the validation number (or any portion thereof) are play symbols, prize symbols, or BONUS BUCKS symbols and are not usable or playable as such. If the ticket holder's YOUR NUMBER beats HOUSE NUMBER in either GAME 1, GAME 2, or GAME 3, he or she wins the prize shown for that game; if BONUS BUCKS play symbol is "\$\$", the player

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wins twice the amount of the PRIZE spot. The prizes are as follows:

\$1. ⁰⁰	\$1 (one dollar) or
\$1. ⁰⁰ + \$\$	\$2 (two dollars) or
\$2. ⁰⁰	\$2 (two dollars) or
\$5. ⁰⁰	\$5 (five dollars) or
\$5. ⁰⁰ + \$\$	\$10 (ten dollars) or
\$10. ⁰⁰ + \$\$	\$20 (twenty dollars) or
\$500	\$500 (five hundred) or
\$500 + \$\$	\$1,000 (one thousand dollars)

R19-3-373. "8's are Great!"

A. Nine play symbols, which are contiguous to each other in three rows, appear under the latex in the play area located on the right side on the front of the ticket and are one of the following: "1", "2", "3", "4", "5", "6", "7", "8", or "9" with confirming captions.

B. A pack ticket number beginning with 300001 is located in the lower center portion on the back of the ticket.

C. Play symbol captions correspond with and verify each of the play symbols as follows:

Play Symbol	Caption
1	ONE
2	TWO
3	THR
4	FOR
5	FIV
6	SIX
7	SVN
8	EGT
9	NIN

D. The retailer validation code verifies instant winners of a \$1, \$2, \$8, \$18, and \$88. The retailer validation code which corresponds with and verifies each of these winners is as follows:

ONE	=	\$1
TWO	=	\$2
EGT	=	\$8
EGN	=	\$18
ETV	=	\$88

E. A prize winner in the "8's ARE GREAT" instant game is determined by removing the latex from the play area on the front of the ticket to determine the nine play symbols. Neither the retailer validation code (or any portion thereof), the pack ticket number (or any portion thereof), nor the validation number (or any portion thereof) are play symbols and are not usable or playable as such. If the ticket owner has three "8" play symbols in any one row, column, or diagonal, he or she wins the prize indicated. A player may win only one time on a ticket. The prizes are as follows:

Right Column	=	\$1 (one dollar) or
Center Column	=	\$2 (two dollars) or
Left Column	=	\$8 (eight dollars) or
Top Row	=	\$18 (eighteen dollars) or
Center Row	=	\$88 (eighty-eight dollars) or
Bottom Row	=	\$888 (eight hundred eighty-eight dollars) or
Either Diagonal	=	\$8,888 (eight thousand eight hundred eighty-eight dollars)

R19-3-374. "High-5"

A. Five play symbols, which are contiguous to each other, appear under the latex in the play area located on the lower front of the ticket with "YOUR NUMBER" printed above and are one of the following: "1", "2", "3", "4", "5", "6", "7", "8", "9", or "10" with confirming captions. One winning number symbol appears on the lower left front of the ticket with "WINNING

#" printed above and is one of the following: "1", "2", "3", "4", "5", "6", "7", "8", "9", or "10" with confirming captions.

B. A pack ticket number beginning with 400001 is located in the lower center portion on the back of the ticket.

C. Play symbol captions correspond with and verify each of the play symbols as follows:

Play Symbol	Caption
1	ONE
2	TWO
3	THR
4	FOR
5	FIV
6	SIX
7	SVN
8	EGT
9	NIN
10	TEN

D. Winning number symbol captions correspond with and verify each of the winning number symbols as follows:

Winning # Symbol	Caption
1	ONE
2	TWO
3	THR
4	FOR
5	FIV
6	SIX
7	SVN
8	EGT
9	NIN
10	TEN

E. Prize symbol captions correspond with and verify each of the prize symbols as follows:

Prize Symbol	Caption
\$2. ⁰⁰	TWO DOL
\$5. ⁰⁰	FIVE DOL
\$10. ⁰⁰	TEN DOL
\$50. ⁰⁰	FTY DOL
\$500	FIVE HUND
\$5,000	FIVE THOU

F. The retailer validation code verifies instant winners of a \$2.⁰⁰, \$4.⁰⁰, \$5.⁰⁰, \$8.⁰⁰, \$10.⁰⁰, \$15.⁰⁰, \$20.⁰⁰, \$25.⁰⁰, \$50.⁰⁰, \$100, \$250, and \$500. The retailer validation code which corresponds with and verifies each of these winners is as follows:

TWO	=	\$2
FOR	=	\$4
FIV	=	\$5
EGT	=	\$8
TEN	=	\$10
FTN	=	\$15
TWY	=	\$20
TWF	=	\$25
FFY	=	\$50
ONH	=	\$100
THF	=	\$250
PHN	=	\$500

G. "HIGH-5" game tickets shall sell for no more than \$2.00.

H. A prize winner in the "HIGH-5" instant game is determined by removing the latex from the play area on the front of the ticket to determine the five play symbols and the winning number symbol. Neither the retailer validation code (or any portion thereof), the pack ticket number (or any portion thereof), nor the validation number (or any portion thereof) are play symbols and are not usable or playable as such. If the ticket owner's YOUR NUMBER symbol matches the "WINNING #" symbol, he or she wins the prize directly under the play sym-

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bol. There may be five winning matches on a ticket. The prizes are as follows:

\$2. ⁰⁰	= \$2 (two dollars) or
\$2. ⁰⁰ x 2	= \$4 (four dollars) or
\$5. ⁰⁰	= \$5 (five dollars) or
\$2. ⁰⁰ x 4	= \$8 (eight dollars) or
\$2. ⁰⁰ x 5	= \$10 (ten dollars) or
\$5. ⁰⁰ x 2	= \$10 (ten dollars) or
\$10. ⁰⁰	= \$10 (ten dollars) or
\$5. ⁰⁰ x 3	= \$15 (fifteen dollars) or
\$5. ⁰⁰ x 4	= \$20 (twenty dollars) or
\$5. ⁰⁰ x 5	= \$25 (twenty-five dollars) or
\$50. ⁰⁰	= \$50 (fifty dollars) or
\$50. ⁰⁰ x 2	= \$100 (one hundred dollars) or
\$50. ⁰⁰ x 5	= \$250 (two hundred fifty dollars) or
\$500	= \$500 (five hundred dollars)
\$5,000	= \$5,000 (five thousand dollars)
\$5,000 x 5	= \$25,000 (twenty-five thousand dollars)

R19-3-375, "21"

- A. In the latex play area located on the right side of the ticket, three play symbols appear in a vertical row with YOUR HAND printed above and are one of the following: "12", "13", "14", "15", "16", "17", "18", "19", "20" or "21" with confirming captions. Three play symbols appear in a vertical row with DEALER'S HAND printed above and are one of the following: "12", "13", "14", "15", "16", "17", "18", "19" or "20" with confirming captions. The play symbol captions correspond with and verify each of the play symbols as follows:

Play Symbol	Caption
12	TWLV
13	THRT
14	FRTN
15	FFTN
16	SXTN
17	SVNT
18	EGTN
19	NINT
20	TWTY
21	TWON

- B. Three prize symbols appear in a vertical row with PRIZE printed above and are one of the following: "\$1.⁰⁰", "\$2.⁰⁰", "\$5.⁰⁰", "\$500" or "\$2,100" with confirming captions. Prize symbol captions correspond with and verify each of the prize symbols as follows:

Prize Symbol	Caption
\$1. ⁰⁰	ONE DOL
\$2. ⁰⁰	TWO DOL
\$5. ⁰⁰	FIV DOL
\$500	FIVE HUND
\$2,100	21 HUND

- C. A pack ticket number beginning with 500001 is located in the lower center portion on the back of the ticket.

- D. The retailer validation code verifies instant winners of a \$1, \$2, \$3, \$5, \$10, \$15, or \$500. The retailer validation code which corresponds with and verifies each of these winners is as follows:

ONE	= \$1
TWO	= \$2
THR	= \$3
FIV	= \$5
TEN	= \$10
FTN	= \$15
FIN	= \$500

- E. A prize winner in the "21" instant game is determined by removing the latex from the play area on the front of the ticket to determine the two play symbols and prize symbol identified

as GAME 1, the two play symbols and prize symbol identified as GAME 2, and the two play symbols and prize symbol identified as GAME 3. Neither the retailer validation code (or any portion thereof) nor the validation number (or any portion thereof) are play symbols or prize symbols and are not usable or playable as such. If the ticket holder's YOUR HAND beats DEALER'S HAND in either GAME 1, GAME 2, or GAME 3, he or she wins the prize shown for that game. There may be three winning games on a ticket. The prizes are as follows:

\$1. ⁰⁰	= \$1 (one dollar) or
\$1. ⁰⁰ + \$1. ⁰⁰	= \$2 (two dollars) or
\$2. ⁰⁰	= \$2 (two dollars) or
\$1. ⁰⁰ + \$2. ⁰⁰	= \$3 (three dollars) or
\$1. ⁰⁰ + \$1. ⁰⁰ + \$1. ⁰⁰	= \$3 (three dollars) or
\$5. ⁰⁰	= \$5 (five dollars) or
\$1. ⁰⁰ + \$2. ⁰⁰ + \$2. ⁰⁰	= \$5 (five dollars) or
\$5. ⁰⁰ + \$5. ⁰⁰	= \$10 (ten dollars) or
\$5. ⁰⁰ + \$5. ⁰⁰ + \$5. ⁰⁰	= \$15 (fifteen dollars) or
\$500	= \$500 (five hundred dollars)
\$2,100	= \$2,100 (twenty-one hundred dollars)

R19-3-376, "Cash Surprise"

- A. Four play symbols, which are contiguous to each other, appear under the latex in the play area located on the lower front of the ticket with "YOUR NUMBER" printed above and are one of the following: "1", "2", "3", "4", "5", "6", "7", "8", "9" or "WIN" with confirming captions. One winning number symbol appears on the upper right front of the ticket with "WINNING NUMBER" printed above and is one of the following: "1", "2", "3", "4", "5", "6", "7", "8", or "9" with confirming captions.

- B. A pack ticket number beginning with 600001 is located in the lower center portion on the back of the ticket.

- C. Play symbol captions correspond with and verify each of the play symbols as follows:

Play Symbol	Caption
1	ONE
2	TWO
3	THR
4	FOR
5	FIV
6	SIX
7	SVN
8	EGT
9	NIN



WIN

- D. Winning number symbol captions correspond with and verify each of the play symbols as follows:

Winning # Symbol	Caption
1	ONE
2	TWO
3	THR
4	FOR
5	FIV
6	SIX
7	SVN
8	EGT
9	NIN

- E. Prize symbol captions correspond with and verify each of the play symbols as follows:

Prize Symbol	Caption
\$1. ⁰⁰	ONEDOL
\$2. ⁰⁰	TWODOL
\$3. ⁰⁰	THRDOL


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\$5. ⁰⁰	FIVDOL
\$10. ⁰⁰	TENDOL
\$25. ⁰⁰	TWTDOL
\$50. ⁰⁰	FFYDOL
\$1,000	ONETHOU

- F. The retailer validation code verifies instant winners of a \$1.⁰⁰, \$2.⁰⁰, \$5.⁰⁰, \$10.⁰⁰, \$25.⁰⁰, or \$50.⁰⁰. The retailer validation code which corresponds with and verifies each of these winners is as follows:

ONE	=	\$1
TWO	=	\$2
FIV	=	\$5
TEN	=	\$10
TWF	=	\$25
FFY	=	\$50

- G. A prize winner in the "CASH SURPRISE" instant game is determined by removing the latex from the play area on the front of the ticket to determine the four play symbols and the winning number symbol. Neither the retailer validation code (or any portion thereof), the pack ticket number (or any portion thereof), nor the validation number (or any portion thereof) are play symbols and are not usable or playable as such. If the ticket owner's "YOUR NUMBER" symbol matches the "WINNING NUMBER" symbol, he or she wins the prize directly under the play symbol. If a ticket owner's

"YOUR NUMBER" symbol is a , the auto-win symbol, he or she automatically wins the prize directly under the play symbol. There may be four winning matches on a ticket. The prizes are as follows:

\$1. ⁰⁰	=	\$1 (one dollar) or
	=	\$1 (one dollar) or
\$2. ⁰⁰	=	\$2 (two dollars) or
	=	\$2 (two dollars) or
\$1. ⁰⁰ + \$1. ⁰⁰ + \$1. ⁰⁰ + \$2. ⁰⁰	=	\$5 (five dollars) or
	=	\$5 (five dollars) or
\$2. ⁰⁰ + \$2. ⁰⁰ + \$3. ⁰⁰ + \$3. ⁰⁰	=	\$10 (ten dollars) or
	=	\$10 (ten dollars) or
\$10. ⁰⁰ + \$5. ⁰⁰ + \$5. ⁰⁰ + \$5. ⁰⁰	=	\$25 (twenty-five dollars) or
	=	\$25 (twenty-five dollars) or
\$50. ⁰⁰	=	\$50 (fifty dollars) or
	=	\$50 (fifty dollars) or
\$1,000	=	\$1,000 (one thousand dollars) or
	=	\$1,000 (one thousand dollars).

R19-3-377. "7-11-21"

- A. Four play symbols, which are contiguous to each other, appear under the latex in the play area located on the lower front of the ticket with "YOUR NUMBER" printed above and are one of the following: "2", "3", "4", "5", "6", "7", "9", "11", or "21" with confirming captions. One winning number symbol appears on the upper right front of the ticket with "WINNING

"# printed above and is one of the following: "7", "11", or "21" with confirming captions.

- B. A pack ticket number beginning with 700001 is located in the lower center portion on the back of the ticket.
- C. Play symbol captions correspond with and verify each of the play symbols as follows:

Play Symbol	Caption
2	TWO
3	THR
4	FOR
5	FIV
6	SIX
7	SVN
9	NIN
11	ELV
21	TYN

- D. Winning number symbol captions correspond with and verify each of the play symbols as follows:

Play Symbol	Caption
7	SVN
11	ELV
21	TYN

- E. Prize symbol captions correspond with and verify each of the prize symbols as follows:

Prize Symbol	Caption
\$1. ⁰⁰	ONEDOL
\$2. ⁰⁰	TWODOL
\$3. ⁰⁰	THRDOL
\$5. ⁰⁰	FIVEDOL
\$10. ⁰⁰	TENDOL
\$70. ⁰⁰	SVTYDOL
\$110	1HUND10
\$2100	TYNHUND

- F. The retailer validation code verifies instant winners of a \$1.⁰⁰, \$2.⁰⁰, \$7.⁰⁰, \$11.⁰⁰, \$21.⁰⁰, \$70.⁰⁰, or \$110.⁰⁰. The retailer validation code which corresponds with and verifies each of these winners is as follows:

ONE	=	\$1
TWO	=	\$2
SVN	=	\$7
ELV	=	\$11
TYN	=	\$21
SVY	=	\$70
OTN	=	\$110

- G. A prize winner in the "7-11-21" instant game is determined by removing the latex from the play area on the front of the ticket to determine the four play symbols and the winning number symbol. Neither the retailer validation code (or any portion thereof), the pack ticket number (or any portion thereof), nor the validation number (or any portion thereof) are play symbols and are not usable or playable as such. If the ticket owner's "YOUR NUMBER" symbol matches the "WINNING #" symbol, he or she wins the prize directly under the play symbol. There may be four winning "YOUR NUMBER" symbols on a ticket. The prizes are as follows:

\$1. ⁰⁰	=	\$1 (one dollar) or
\$2. ⁰⁰	=	\$2 (two dollars) or
\$2. ⁰⁰ + \$2. ⁰⁰ + \$2. ⁰⁰ + \$1. ⁰⁰	=	\$7 (seven dollars) or
\$3. ⁰⁰ + \$2. ⁰⁰ + \$1. ⁰⁰ + \$1. ⁰⁰	=	\$7 (seven dollars) or
\$5. ⁰⁰ + \$5. ⁰⁰ + \$1. ⁰⁰	=	\$11 (eleven dollars) or
\$5. ⁰⁰ + \$3. ⁰⁰ + \$2. ⁰⁰ + \$1. ⁰⁰	=	\$11 (eleven dollars) or
\$10. ⁰⁰ + \$5. ⁰⁰ + \$5. ⁰⁰ + \$1. ⁰⁰	=	\$21 (twenty-one dollars)
or		
\$10. ⁰⁰ + \$5. ⁰⁰ + \$3. ⁰⁰ + \$3. ⁰⁰	=	\$21 (twenty-one dollars)
or		
\$70. ⁰⁰	=	\$70 (seventy dollars) or

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\$110 = \$110 (one hundred ten dollars) or
 \$2,100 = \$2,100 (twenty-one hundred dollars)

R19-3-378. "Double Dollars"

- A. In the latex play area located on the right side of the ticket, three play symbols appear in a vertical row with "YOUR NUMBER" printed above and are one of the following: "1", "2", "3", "4", "5", "6", "7", "8", or "9" with confirming captions. Three play symbol captions appear in a vertical row with "HOUSE NUMBER" printed above and are one of the following: "1", "2", "3", "4", "5", "6", "7", "8", or "9" with confirming captions. The play symbol captions correspond with and verify the play symbols as follows:






Play Symbol	Caption
1	ONE
2	TWO
3	THR
4	FOR
5	FIV
6	SIX
7	SVN
8	EGT
9	NIN

- B. Three prize symbols appear in a vertical row with "PRIZE" printed above and are one of the following: "\$1.⁰⁰", "\$2.⁰⁰", "\$5.⁰⁰", "\$10.⁰⁰", or "\$500" with confirming captions.

Prize Symbol	Caption
\$1. ⁰⁰	ONE DOL
\$2. ⁰⁰	TWO DOL
\$5. ⁰⁰	FIV DOL
\$10. ⁰⁰	TEN DOL
\$500	FIV HUND

- C. Three play symbols appear in a vertical row with "BONUS BUCKS" printed above and are one of the following: "\$5",

"", "", "", "", or ".

Symbol	Caption
\$5	DBLE
	BELL
	CHRY
	ORNG
	STAR
	BARR

- D. A pack ticket number beginning with 800001 is located in lower center portion on the back of the ticket.

- E. The retailer validation code verifies instant winners of a \$1, \$2, \$5, \$10, or \$20. The retailer validation code which corresponds with and verifies each of these winners is as follows:

ONE	= \$1
TWO	= \$2
FIV	= \$5
TEN	= \$10
TWY	= \$20

- F. A prize winner in the "DOUBLE DOLLARS" instant game is determined by removing the latex from the play area on the front of the ticket to determine the two play symbols, prize symbol, and "BONUS BUCKS" symbol identified as "GAME 1", the two play symbols, prize symbol, and "BONUS

BUCKS" symbol identified as "GAME 2", and the two play symbols, prize symbol, and "BONUS BUCKS" symbol identified as "GAME 3". Neither the retailer validation code (or any portion thereof) nor the validation number (or any portion thereof) are play symbols, prize symbols, or "BONUS BUCKS" symbols and are not usable or playable as such. If the ticket holder's "YOUR NUMBER" beats "HOUSE NUMBER" in either "GAME 1", "GAME 2", or "GAME 3", he or she wins the prize shown for that game; if "BONUS BUCKS" play symbol is "\$5", the player wins twice the amount of the "PRIZE" spot. The prizes are as follows:

\$1. ⁰⁰	= \$1 (one dollar) or
\$1. ⁰⁰ + \$5	= \$2 (two dollars) or
\$2. ⁰⁰	= \$2 (two dollars) or
\$5. ⁰⁰	= \$5 (five dollars) or
\$5. ⁰⁰ + \$5	= \$10 (ten dollars) or
\$10. ⁰⁰ + \$5	= \$20 (twenty dollars) or
\$500	= \$500 (five hundred) or
\$500 + \$5	= \$1,000 (one thousand dollars)

R19-3-379. "Holiday Cash"

- A. Nine play symbols, which are contiguous to each other in three rows, appear under the latex in the play area located on the right side of the front of the ticket and are one of the following: "\$1.⁰⁰", "\$2.⁰⁰", "\$5.⁰⁰", "\$10.⁰⁰", "\$25.⁰⁰", "\$100", or "\$500" with confirming captions.

- B. A pack ticket number beginning with 900001 is located in lower center portion on the back of the ticket.

- C. Play symbol captions correspond with and verify each of the play symbols as follows:

Play Symbol	Caption
\$1. ⁰⁰	ONEDOL
\$2. ⁰⁰	TWODOL
\$5. ⁰⁰	FIVDOL
\$10. ⁰⁰	TENDOL
\$25. ⁰⁰	TWFDOL
\$100	ONEHUND
\$500	FIVHUND

- D. The retailer validation code verifies instant winners of a \$1, \$2, \$5, \$10, \$25, \$100, or \$500. The retailer validation code which corresponds with and verifies each of these winners is as follows:

ONE	= \$1
TWO	= \$2
FIV	= \$5
TEN	= \$10
TWF	= \$25
ONH	= \$100
FIN	= \$500

- E. A prize winner in the "HOLIDAY CASH" instant game is determined by removing the latex from the play area on the front of the ticket to determine the nine play symbols. Neither the retailer validation code (or any portion thereof), the pack ticket number (or any portion thereof), nor the validation number (or any portion thereof) are play symbols and are not usable or playable as such. If the ticket owner matches three like symbols, he or she wins that prize. The prizes are as follows:

Match 3 \$1. ⁰⁰	= \$1 (one dollar) or
Match 3 \$2. ⁰⁰	= \$2 (two dollars) or
Match 3 \$5. ⁰⁰	= \$5 (five dollars) or
Match 3 \$10. ⁰⁰	= \$10 (ten dollars) or
Match 3 \$25. ⁰⁰	= \$25 (twenty-five dollars) or
Match 3 \$100	= \$100 (one hundred dollars) or
Match 3 \$500	= \$500 (five hundred dollars)

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R19-3-380. "High Card"

- A. In the latex play area located on the right side of the ticket, three play symbols appear in a vertical row with YOUR CARD printed above and are one of the following: "A", "K", "Q", "J", "10", "9", "8", "7", "6", "5", "4", or "3" with confirming captions. Three play symbols appear in a vertical row with DEALER'S CARD printed above and are one of the following: "K", "Q", "J", "10", "9", "8", "7", "6", "5", "4", "3", or "2" with confirming captions. The play symbol captions correspond with and verify the play symbols as follows:

Play Symbol	Caption
A	ACE
K	KNG
Q	QUN
J	JCK
10	TEN
9	NIN
8	EGT
7	SVN
6	SIX
5	FIV
4	FOR
3	THR
2	TWO

- B. Three prize symbols appear in a vertical row with PRIZE printed above and are one of the following: "\$1.⁰⁰", "\$2.⁰⁰", "\$5.⁰⁰", "\$50.⁰⁰", or \$1000 with confirming captions.
- C. A pack ticket number beginning with 000001 is located in lower center portion on the back of the ticket.
- D. The retailer validation code verifies instant winners of a \$1, \$2, \$5, \$10, \$15, \$50, \$100, or \$150. The retailer validation code which corresponds with and verifies each of these winners is as follows:

ONE	=	\$1
TWO	=	\$2
FIV	=	\$5
TEN	=	\$10
FTN	=	\$15
FFY	=	\$50
ONH	=	\$100
OFY	=	\$150

- E. A prize winner in the "HIGH CARD" instant game is determined by removing the latex from the play area on the front of the ticket to determine the two play symbols and prize symbol identified as GAME 1, the two play symbols and prize symbol identified as GAME 2, and the two play symbols and prize symbol identified as GAME 3. Neither the retailer validation code (or any portion thereof), the pack ticket number (or any portion thereof), nor the validation number (or any portion thereof) are play symbols or prize symbols and are not usable or playable as such. If the ticket holder's YOUR CARD beats DEALER'S CARD in either GAME 1, GAME 2, or GAME 3, he or she wins the prize shown for that game. There may be three winning games on a ticket. The prizes are as follows:

\$1. ⁰⁰	=	\$1 (one dollar) or
\$1. ⁰⁰ + \$1. ⁰⁰	=	\$2 (two dollars) or
\$2. ⁰⁰	=	\$2 (two dollars) or
\$5. ⁰⁰	=	\$5 (five dollars) or
\$1. ⁰⁰ + \$2. ⁰⁰ + \$2. ⁰⁰	=	\$5 (five dollars) or
\$5. ⁰⁰ + \$5. ⁰⁰	=	\$10 (ten dollars) or
\$5. ⁰⁰ + \$5. ⁰⁰ + \$5. ⁰⁰	=	\$15 (fifteen dollars) or
\$50	=	\$50 (fifty dollars) or
\$50. ⁰⁰ + \$50. ⁰⁰	=	\$100 (one hundred dollars) or
\$50. ⁰⁰ + \$50. ⁰⁰ + \$50. ⁰⁰	=	\$150 (one hundred fifty dollars) or

\$1000	=	\$1000 (one thousand dollars) or
\$1000 + \$1000	=	\$2000 (two thousand dollars) or
\$1000 + \$1000 + \$1000	=	\$3000 (three thousand dollars)

R19-3-381. "Tic Tac Dough"

- A. Nine play symbols, which are contiguous to each other in three rows, appear under the latex in the play area located on the right side on the front of the ticket and are one of the following: "X" or "O" with confirming captions.
- B. The confirming caption will denote the first digit as the play spot (1-9) position, the second and third digits represent the play symbol, and the fourth digit is the last digit of the ticket number.
- C. A pack ticket number beginning with 100001 is located in the lower center portion on the back of the ticket.
- D. The retailer validation code verifies instant winners of \$1, \$2, \$5, \$10, \$25, and \$100. The retailer validation code which corresponds with and verifies each of these winners is as follows:

ONE	=	\$1
TWO	=	\$2
FIV	=	\$5
TEN	=	\$10
TWF	=	\$25
ONH	=	\$100

- E. A prize winner in the "Tic Tac Dough" instant game is determined by removing the latex from the play area on the front of the ticket to determine the nine play symbols. Neither the retailer validation code (or any portion thereof), the pack ticket number (or any portion thereof), nor the validation number (or any portion thereof) are play symbols and are not usable or playable as such. If the ticket owner has three "X" or "O" play symbols in any one row, column, or the upper left to lower right diagonal, he or she wins the prize indicated. A player may win only one time on a ticket. The prizes are as follows:

Right Column	=	\$1 (one dollar) or
Center Column	=	\$2 (two dollars) or
Left Column	=	\$5 (five dollars) or
Top Row	=	\$10 (ten dollars) or
Center Row	=	\$25 (twenty-five dollars) or
Bottom Row	=	\$100 (one hundred dollars) or
Upper left to lower right diagonal	=	\$1,000 (one thousand dollars).

R19-3-382. "Roulette"

- A. Four play symbols, which are contiguous to each other, appear under the latex in the play area located on the center right of the ticket with "Your Number" printed above each play symbol, and are one of the following: "1", "2", "3", "4", "5", "6", "7", "8", "9", with confirming captions.
- B. A pack ticket number beginning with 200001 is located in the lower left portion on the back of the ticket.
- C. Play symbol captions correspond with and verify each of the play symbols as follows:

Play Symbol	Caption
1	ONE
2	TWO
3	THR
4	FOR
5	FIV
6	SIX
7	SVN
8	EGT
9	NIN

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- D. Winning number symbol captions correspond with and verify each of the winning number symbols as follows:

Winning Number Symbols	Caption
1	ONE
2	TWO
3	THR
4	FOR
5	FIV
6	SIX
7	SVN
8	EGT
9	NIN

- E. Prize symbol captions correspond with and verify each of the prize symbols as follows:

Prize Symbol	Caption
\$1. ⁰⁰	ONEDOL
\$5. ⁰⁰	FIVEDOL
\$250	2HUND50

- F. The retailer validation code verifies instant winners of \$1.⁰⁰, \$2.⁰⁰, \$3.⁰⁰, \$4.⁰⁰, \$5.⁰⁰, \$10.⁰⁰, \$20.⁰⁰, or \$250. The retailer validation code which corresponds with and verifies each of these winners is as follows:

ONE = \$1	FIV = \$5
TWO = \$2	TEN = \$10
THR = \$3	TWY = \$20
FOR = \$4	THF = \$250

- G. A prize winner in the "Roulette" instant game is determined by removing the latex from the play area on the front of the ticket to determine the four play symbols and the winning number symbol. Neither the retailer validation code (or any portion thereof), the pack ticket number (or any portion thereof), are play symbols and are not usable or playable as such. If the ticket owner's "YOUR NUMBER" symbol matches the "WINNING NUMBER" symbol, he or she wins the prize directly under the play symbol. There may be four winning "YOUR NUMBER" symbols on a ticket. The prizes are as follows:

\$1. ⁰⁰	=	\$1 (one dollar) or
\$1. ⁰⁰ + \$1. ⁰⁰	=	\$2 (two dollars) or
\$1. ⁰⁰ + \$1. ⁰⁰ + \$1. ⁰⁰	=	\$3 (three dollars) or
\$1. ⁰⁰ + \$1. ⁰⁰ + \$1. ⁰⁰ + \$1. ⁰⁰	=	\$4 (four dollars) or
\$5. ⁰⁰	=	\$5 (five dollars) or
\$5. ⁰⁰ + \$5. ⁰⁰	=	\$10 (ten dollars) or
\$5. ⁰⁰ + \$5. ⁰⁰ + \$5. ⁰⁰ + \$5. ⁰⁰	=	\$20 (twenty dollars) or
\$250	=	\$250 (two hundred and fifty dollars)
\$250 + \$250 + \$250 + \$250	=	\$1,000 (one thousand dollars)

R19-3-383. "Baseball Bucks"

- A. In the latex play area located on the right side of the ticket, three play symbols appear in a vertical row with "YOUR TEAM" printed above, and are one of the following: "1", "2", "3", "4", "5", "6", "7", "8", or "9", with confirming captions. The play symbol captions correspond with and verify the play symbols as follows:

Play Symbol	Caption
0	ZRO
1	ONE
2	TWO
3	THR
4	FOR
5	FIV

6	SIX
7	SVN
8	EGT
9	NIN
10	TEN

- B. Three prize symbols appear in a vertical row with "PRIZE" printed above, and are one of the following: \$1.⁰⁰, \$2.⁰⁰, \$5.⁰⁰, \$50.⁰⁰, and \$500 with confirming captions. The play symbols and confirming captions are as follows:

Play Symbol	Caption
\$1. ⁰⁰	ONEDOL
\$2. ⁰⁰	TWODOL
\$5. ⁰⁰	FIVEDOL
\$50. ⁰⁰	FTYDOL
\$500	FIVHUND

- C. A pack ticket number is located on the lower left side of the back of the ticket and begins with 500001.

- D. The retailer validation code verifies instant winners of \$1.⁰⁰, \$2.⁰⁰, \$5.⁰⁰, \$10.⁰⁰, \$15.⁰⁰, \$50.⁰⁰, \$100, \$150, and \$500. The retailer validation code which corresponds with and verifies each of these winners is as follows:

ONE = \$1
TWO = \$2
FIV = \$5
TEN = \$10
FTN = \$15
FFY = \$50
ONH = \$100
OFY = \$150
FHN = \$500

- E. A prize winner in the "Baseball Bucks" instant game is determined by removing the latex from the play area on the front of the ticket to determine the two play symbols and prize symbol identified as "Game 1", the two play symbols and prize symbol identified as "Game 2", and the two play symbols and prize symbol identified as "Game 3." Neither the retailer validation code (or any portion thereof), the pack ticket number (or any portion thereof), nor the validation number (or any portion thereof) are play symbols and are not usable or playable as such. If the ticket holder's "Your Team" beats "Away Team" in either "Game 1", or "Game 2", or "Game 3" the player wins the prize shown for that game. There may be three winning games on a ticket. The prizes are as follows:

\$1. ⁰⁰	=	\$1 (one dollar) or
\$1. ⁰⁰ + \$1. ⁰⁰	=	\$2 (two dollars) or
\$2. ⁰⁰	=	\$2 (two dollars) or
\$1. ⁰⁰ + \$2. ⁰⁰ + \$2. ⁰⁰	=	\$5 (five dollars) or
\$5. ⁰⁰	=	\$5 (five dollars) or
\$5. ⁰⁰ + \$5. ⁰⁰	=	\$10 (ten dollars) or
\$5. ⁰⁰ + \$5. ⁰⁰ + \$5. ⁰⁰	=	\$15 (fifteen dollars) or
\$50	=	\$50 (fifty dollars) or
\$50. ⁰⁰ + \$50. ⁰⁰	=	\$100 (one hundred dollars) or
\$50. ⁰⁰ + \$50. ⁰⁰ + \$50. ⁰⁰	=	\$150 (one hundred fifty dollars) or
\$500	=	\$500 (five hundred dollars) or
\$500 + \$500	=	\$1,000 (one thousand dollars) or
\$500 + \$500 + \$500	=	\$1,500 (one thousand five hundred dollars)

R19-3-384. "King of Cash"

- A. In the latex play area located on the right side of the ticket, three play symbols appear in a vertical row with "YOUR HAND" printed above and are one of the following: "A", "K", "Q", "J", "10", "9", "8", "7", "6", "5", "4", or "3" with confirm-

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ing captions. Three play symbols appear in a vertical row with DEALER'S HAND printed above and are one of the following: "K", "Q", "J", "10", "9", "8", "7", "6", "5", "4", "3", or "2" with confirming captions. The play symbol captions correspond with and verify the play symbols as follows:

Play Symbol	Caption
A	ACE
K	KNG
Q	QUN
J	JCK
10	TEN
9	NIN
8	EGT
7	SVN
6	SIX
5	FIV
4	FOR
3	THR
2	TWO

- B. Three prize symbols appear in a vertical row with PRIZE printed above and are one of the following: "\$1.⁰⁰", "\$2.⁰⁰", "\$5.⁰⁰", "\$50.⁰⁰", or \$500 with confirming captions.
- C. A pack ticket number beginning with 300001 is located in the lower center portion on the back of the ticket.
- D. The retailer validation code verifies instant winners of a \$1, \$2, \$5, \$10, \$15, \$50, \$100, \$150, or \$500 ticket. The retailer validation code which corresponds with and verifies each of these winners is as follows:

ONE	= \$1	FTN	= \$15
TWO	= \$2	FFY	= \$50
FIV	= \$5	ONH	= \$100
TEN	= \$10	OFY	= \$150
		FHN	= \$500

- E. A prize winner in the "KING OF CASH" instant game is determined by removing the latex from the play area on the front of the ticket to determine the two play symbols and prize symbol identified as GAME 1, the two play symbols and prize symbol identified as GAME 2, and the two play symbols and prize symbol identified as GAME 3. Neither the retailer validation code (or any portion thereof), the pack ticket number (or any portion thereof), nor the validation number (or any portion thereof) are play symbols or prize symbols and are not usable or playable as such. If the ticket holder's YOUR HAND beats the DEALER'S HAND in either GAME 1, GAME 2, or GAME 3, he or she wins the prize shown for that game. There may be three winning games on a ticket. The prizes are as follows:

\$1. ⁰⁰	=	\$1 (one dollar) or
\$1. ⁰⁰ + \$1. ⁰⁰	=	\$2 (two dollars) or
\$2. ⁰⁰	=	\$2 (two dollars) or
\$5. ⁰⁰	=	\$5 (five dollars) or
\$1. ⁰⁰ + \$2. ⁰⁰ + \$2. ⁰⁰	=	\$5 (five dollars) or
\$5. ⁰⁰ + \$5. ⁰⁰	=	\$10 (ten dollars) or
\$5. ⁰⁰ + \$5. ⁰⁰ + \$5. ⁰⁰	=	\$15 (fifteen dollars) or
\$50	=	\$50 (fifty dollars) or
\$50. ⁰⁰ + \$50. ⁰⁰	=	\$100 (one hundred dollars) or
\$50. ⁰⁰ + \$50. ⁰⁰ + \$50. ⁰⁰	=	\$150 (one hundred fifty dollars) or
\$500	=	\$500 (five hundred dollars) or
\$500 + \$500	=	\$1,000 (one thousand dollars) or
\$500 + \$500 + \$500	=	\$1,500 (one thousand five hundred dollars).

R19-3-385. "Wild Card"

- A. Four play symbols, which are contiguous to each other, appear under the latex in the play area located on the lower front of the ticket with "YOUR CARD" printed above and are one of the following: "3", "4", "5", "6", "7", "8", "9", "10", "J", "Q", "K", "A", or "X" with confirming captions. One winning number symbol appears on the upper right front of the ticket with "WINNING CARD" printed above and is one of the following: "3", "4", "5", "6", "7", "8", "9", "10", "J", "Q", "K", or "A" with confirming captions.
- B. A pack ticket number beginning with 400001 is located in the lower center portion on the back of the ticket.
- C. Play symbol captions correspond with and verify each of the play symbols as follows:

Play Symbol	Caption
3	THR
4	FOR
5	FIV
6	SIX
7	SVN
8	EGT
9	NIN
10	TEN
J	JAC
Q	QUN
K	KNG
A	ACE
X	JKR

- D. Winning number symbol captions correspond with and verify each of the winning number symbols as follows:

Winning # Symbol	Caption
3	THR
4	FOR
5	FIV
6	SIX
7	SVN
8	EGT
9	NIN
10	TEN
J	JAC
Q	QUN
K	KNG
A	ACE

- E. Prize symbol captions correspond with and verify each of the prize symbols as follows:

\$1. ⁰⁰	=	ONEDOL
\$2. ⁰⁰	=	TWODOL
\$3. ⁰⁰	=	THRDOL
\$5. ⁰⁰	=	FIVEDOL
\$10. ⁰⁰	=	TENDOL
\$25. ⁰⁰	=	TWFDOL
\$50. ⁰⁰	=	FTYDOL
\$1,000	=	ONETHOU

- F. The retailer validation code verifies instant winners of a "\$1.⁰⁰", "\$2.⁰⁰", "\$5.⁰⁰", "\$10.⁰⁰", "\$25.⁰⁰", or "\$50.⁰⁰" ticket. The retailer validation code which corresponds with and verifies these winners is as follows:

ONE	= \$1	TEN	= \$10
TWO	= \$2	TWF	= \$25
FIV	= \$5	FFY	= \$50








- G. A prize winner in the "WILD CARD" instant game is determined by removing the latex from the play area on the front of the ticket to determine the four play symbols and the winning number symbol. Neither the retailer validation code (or any portion thereof), the pack ticket number (or any portion

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thereof), nor the validation number (or any portion thereof) are play symbols or prize symbols and are not usable or playable as such. If the ticket owner's "YOUR CARD" symbol matches the "WINNING CARD" symbol, he or she wins the prize directly under the play symbol. If the ticket owner's "YOUR CARD" symbol is a



" he or she automatically wins the prize directly under the play symbol. There may be four winning matches on a ticket. The prizes are as follows:

\$1. ⁰⁰ -	= \$1 (one dollar) or
\$1. ⁰⁰ + "  "	= \$1 (one dollar) or
\$2. ⁰⁰	= \$2 (two dollars) or
\$2. ⁰⁰ + "  "	= \$2 (two dollars) or
\$1. ⁰⁰ + \$1. ⁰⁰ + \$1. ⁰⁰ + \$2. ⁰⁰	= \$5 (five dollars) or
\$5. ⁰⁰ + "  "	= \$5 (five dollars) or
\$2. ⁰⁰ + \$2. ⁰⁰ + \$3. ⁰⁰ + \$3. ⁰⁰	= \$10 (ten dollars) or
\$10. ⁰⁰ + "  "	= \$10 (ten dollars) or
\$10. ⁰⁰ + \$5. ⁰⁰ + \$5. ⁰⁰ + \$5. ⁰⁰	= \$25 (twenty-five dollars) or
\$25. ⁰⁰ + "  "	= \$25 (twenty-five dollars) or
\$50. ⁰⁰	= \$50 (fifty dollars) or
\$50. ⁰⁰ + "  "	= \$50 (fifty dollars) or
\$1,000	= \$1,000 (one thousand dollars) or
\$1,000 + "  "	= \$1,000 (one thousand dollars).

R19-3-386. "Lucky 7's"

- A. Nine play symbols, which are contiguous to each other in three rows, appear under the latex in the play area located on the right side on the front of the ticket under a red and black checkerboard.

- B. The confirming caption will denote the first digit as the play spot (1-9) position, the second and third digits represent the play symbol, and the fourth digit is the last digit of the ticket number.
- C. A pack ticket number beginning with 600001 is located in the lower center portion on the back of the ticket.
- D. Play symbol captions correspond with and verify each of the play symbols as follows:

Play Symbol	Caption
1	ONE
2	TWO
3	THR
4	FOR
5	FIV
6	SIX
7	SVN
8	EGT
9	NIN

- E. The retailer validation code verifies instant winners of \$1, \$2, \$7, \$17, and \$77. The retailer validation code which corresponds with and verifies each of these winners is as follows:

ONE	= \$1	SVT	= \$17
TWO	= \$2	SVS	= \$77
SVN	= \$7		

- F. A prize winner in the "Lucky 7's" instant game is determined by removing the latex from the play area on the front of the ticket to determine the nine play symbols. Neither the retailer validation code (or any portion thereof), the pack ticket number (or any portion thereof), nor the validation number (or any portion thereof) are play symbols and are not usable or playable as such. If the ticket owner has three "7" play symbols in any one row, column, or the upper left to lower right diagonal, he or she wins the prize indicated. A player may win only one time on a ticket. The prizes are as follows:

Right Column	= \$1 (one dollar) or
Center Column	= \$2 (two dollars) or
Left Column	= \$7 (seven dollars) or
Top Row	= \$17 (seventeen dollars) or
Center Row	= \$77 (seventy-seven dollars) or
Bottom Row	= \$777 (seven hundred seventy-seven dollars) or
Upper left to lower right diagonal	= \$7,777 (seven thousand seven hundred seventy-seven dollars).